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February 6, 2004

VIA HAND DELIVERY

Ms Deborah Taylor Tate, Chairman
TENNESSEE REGULATORY AUTHORITY
460 James Robertson Parkway
Nashville, Tennessee 37243

***Re: Tennessee Coalition of Rural Incumbent Telephone Companies and
Cooperatives Request for Suspension of Wireless to Wireless Number
Portability Obligations Pursuant to Section 251(f)(2) of the Communications
Act of 1934, as Amended; Docket No. 03-00633***

Dear Chairman Tate:

Enclosed for filing in the above-referenced docket are the original and thirteen copies of the responses of The Tennessee Coalition of Incumbent Rural Telephone Companies and Cooperatives to data requests issued by the TRA staff on January 14, 2004. In addition to providing responses from the individual members of the Coalition, we are also providing a joint response to data request no. 3.

Please note that the responses of three Coalition members – CenturyTel, Dekalb Telephone, and Millington Telephone – contain proprietary information that these companies request be filed under seal at this time. They are contained in separately identified and sealed envelopes that contain the original and thirteen copies of those responses. We will consult with TRA staff at their convenience about the further handling of these documents.

The Coalition would like to clarify that it is not seeking an indefinite suspension of local number portability. In addition, we believe a TRA workshop would best address issues raised in the Coalition's Petition and data request responses.

Should you have any questions with respect to this filing, please do not hesitate to contact me at the number shown above.

Ms Deborah Taylor Tate, Chairman
February 6, 2004
Page 2

It is also my understanding that United Telephone Company has obtained the agreement of Mr Joe Werner to provide its responses to the data requests on Monday, February 9, 2004.

Thanking you in advance for your assistance with this matter, I am

Very truly yours,

A handwritten signature in black ink, appearing to read "R. Dale Grimes". The signature is stylized with a large, prominent "R" and a long, sweeping underline.

R Dale Grimes

RDG/tn
Enclosures

cc: Coalition Members

Response to Data Requests of January 14, 2004

Ardmore:

Ben Lomand:

Bledsoe:

CenturyTel:

Dekalb:

~~**Highland:**~~

Loretto:

Millington:

North Central:

TDS:

TEC:

Twin Lakes:

~~**United:**~~

Yorkville:

**Dekalb Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004**

Question 1: Has the company previously petitioned the FCC or the TRA requesting an extension of time, or a modification of the FCC's rules regarding number portability? If so, a copy of each company's filings should be provided with the response.

Answer: No, DTC Communications has not petitioned the FCC or TRA requesting an extension of LNP

Millington Telephone Company
Response to Data Requests of January 14, 2004

Question 1: Has the company previously petitioned the FCC or the TRA requesting an extension of time, or a modification of the FCC's rules regarding number portability? If so, a copy of each company's filings should be provided with the response.

Answer: No

TEC Companies
(Crockett Telephone Company, Inc
Peoples Telephone Company
West Tennessee Telephone Company, Inc)

Response to Data Requests of January 14, 2004

Question 1: Has the company previously petitioned the FCC or the TRA requesting an extension of time, or a modification of the FCC's rules regarding number portability? If so, a copy of each company's filings should be provided with the response.

Answer: Yes, the TEC companies listed joined with a Coalition to petition the TRA to suspend or modify obligations imposed by 47 U S C. § 251, including LNP. Docket No 99-00613 The TEC companies have not petitioned the FCC

TEC Companies
(Crockett Telephone Company, Inc
Peoples Telephone Company
West Tennessee Telephone Company, Inc)

Response to Data Requests of January 14, 2004

Question 2: Identify, by company, the switch designation(s), and exchange(s), for which the petition of suspension of the FCC's rules is being sought.

Answer: Company Crockett Telephone Company, Inc OCN 0561

<u>Exchange</u>	<u>CLLI</u>	<u>NPA/NXX</u>	<u>Tandem</u>	<u>LATA</u>
Maury City	MRCYTNXARS5	731/656	Memphis	468
Friendship	FRSHTNXARS5	731/677	Memphis	468
Alamo	ALAMTNXADS1	731/696	Memphis	468

Company Peoples Telephone Company OCN 0576

<u>Exchange</u>	<u>CLLI</u>	<u>NPA/NXX</u>	<u>Tandem</u>	<u>LATA</u>
Henry	HNRYTNXARS5	731/243	Memphis	468
Ern	ERINTNXADS2	931/289	Nashville	470
Tenn Ridge	TNRGTNXARS5	931/721	Nashville	470

Company West Tennessee Telephone Company OCN 0583

<u>Exchange</u>	<u>CLLI</u>	<u>NPA/NXX</u>	<u>Tandem</u>	<u>LATA</u>
Atwood	ATWDTNXARSO	731/662	Memphis	468
Rutherford	RTFRTNXARSO	731/665	Memphis	468
Trezvant	TRZVTNXARS5	731/669	Memphis	468
Bradford	BRFRTNXADS2	731/742	Memphis	468

TEC Companies
(Crockett Telephone Company, Inc.
Peoples Telephone Company
West Tennessee Telephone Company, Inc)

Response to Data Requests of January 14, 2004

Question 3: Identify and describe the specific equipment, software, programming or other technical issues that make number portability technically infeasible for each company.

Answer: Switch software updates are required, in-house programming changes for subscriber billing, and procedure manuals for implementing LNP. Rating and routing issues have not been addressed. Geographic routing is technically impossible, and the current LNP order results in geographic number portability. Issues such as how calls will be delivered when there are no facilities to the porting carrier must be worked out. Who pays for the transport has not been resolved. TEC companies are access providers only, and ported numbers will have to be delivered to the subscriber's presubscribed carrier for delivery to the porting carrier in the absence of porting carrier facilities to the TEC companies. The customer's calling the ported number may experience toll charges. Once a number is ported to a wireless provider then the wireless provider may port to another wireless provider out of LATA, and thus geographic porting has resulted. Tariffs must be filed and approved for monthly porting recovery and the fees to port a number. The customer who is porting the number only pays for the porting fees. The remaining customers have to pay a monthly fee to recover the cost of LNP, the monthly charges associated with the customer who has left the telephone system and has ported their number.

TEC Companies
(Crockett Telephone Company, Inc
Peoples Telephone Company
West Tennessee Telephone Company, Inc)

Response to Data Requests of January 14, 2004

Question 4: For each piece of equipment and/or software item that is required, identify the costs to each company to purchase, install and test each item necessary for the implementation of local number portability capability.

Answer: Switch upgrade cost is \$56,750 per company It is unknown, at this time, the cost of programming to the billing systems to handle LNP Several programs will have to be changed

TEC Companies
(Crockett Telephone Company, Inc
Peoples Telephone Company
West Tennessee Telephone Company, Inc)

Response to Data Requests of January 14, 2004

Question 5: Identify the costs of each company, if any, of any contract(s) that must be entered into to participate in number portability. (Any costs or contract(s) considered required should not include interconnection agreements.)

Answer: NPAC, contracts for LNP database dips, and possible other contracts which are unknown at this time

TEC Companies
(Crockett Telephone Company, Inc.
Peoples Telephone Company
West Tennessee Telephone Company, Inc.)

Response to Data Requests of January 14, 2004

Question 6: Identify any administrative function(s) change(s), internal and external to the company, and the costs incurred to implement the change(s). (Administrative changes would include additional personnel, office equipment and etc.)

Answer: Costs are unknown at this time At minimum, training of customer service representatives, switch technicians, writing of policy and procedures manuals, programming to update subscriber billing, CABS, cable plant and other databases, administrative costs for contracts and other unknown items

TEC Companies
(Crockett Telephone Company, Inc
Peoples Telephone Company
West Tennessee Telephone Company, Inc)

Response to Data Requests of January 14, 2004

Question 7: Identify each company's total cost to implement local number portability.

Answer: Unknown at this time.

TEC Companies
(Crockett Telephone Company, Inc
Peoples Telephone Company
West Tennessee Telephone Company, Inc.)

Response to Data Requests of January 14, 2004

Question 8: Provide the number of access lines each company has in service.

Answer: Crockett 4,279, Peoples 5,218 and West Tennessee 4,675

TEC Companies
(Crockett Telephone Company, Inc
Peoples Telephone Company
West Tennessee Telephone Company, Inc)

Response to Data Requests of January 14, 2004

Question 9: Identify, by company, if the FCC authorized local number portability charge, as a regular monthly charge, is being imposed? If a LNP charge is being imposed by any company, how much is the monthly charge and when did the charge begin to show on customer's billing invoices for each company?

Answer: None

TEC Companies
(Crockett Telephone Company, Inc
Peoples Telephone Company
West Tennessee Telephone Company, Inc)

Response to Data Requests of January 14, 2004

Question 10: Identify, by company, if there have been any previous requests from CLECs or Wireless Service Providers for number portability? Provide copies of those requests with the response.

Answer: Verizon made requests to Crockett Telephone and West Tennessee Telephone (see attached)

TEC Companies
(Crockett Telephone Company, Inc.
Peoples Telephone Company
West Tennessee Telephone Company, Inc.)

Response to Data Requests of January 14, 2004

Question 11: Identify, by company, if the company can, or does, provide remote call forwarding, or like service features, as a subscription feature available to its consumers?

Answer: None

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January 28, 2004

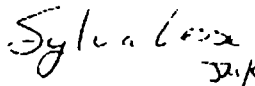
Linda Godfrey
Interconnection, Numbering and Mandates
Verizon Wireless
2785 Mitchell Drive
Walnut Creek, CA 94598

Dear Ms. Godfrey. ---

We have been asked by our client, Crocket Telephone Company ("Crocket") to respond to your correspondence seeking deployment of number portability in specific switch locations (the "Request") and completion of a "Service Level Agreement" ("SLA") Crocket is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where Verizon Wireless' coverage overlaps each of the rate centers owned and controlled by Crocket as specified in the Request¹ In this regard, please note that Crocket has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines²

We're reviewing the SLA and will respond shortly In the interim, Crocket requests that Verizon Wireless consider and propose the specific methodology by which the parties will physically exchange ported traffic. It is our understanding that no such arrangements exist today We look forward to engaging in additional discussions leading to the establishment of an agreement regarding the terms and conditions under which the parties will engage in porting

Very truly yours,


Sylvia Lesse

cc: Lera Roark

¹ Pursuant to Section 52.23(b)(2)(iii) of the Commission's Rules (47 C.F.R. § 52.23(b)(2)(iii)) Crocket notifies Verizon Wireless that the list of switches (and their respective CLLI designation) specified in the correspondence is correct. The switches currently are not number portable-capable.

² Crocket is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.

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January 28, 2004

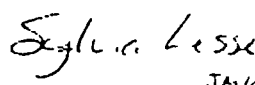
Linda Godfrey
Interconnection, Numbering and Mandates
Verizon Wireless
2785 Mitchell Drive
Walnut Creek, CA 94598

Dear Ms Godfrey:

We have been asked by our client, West Tennessee Telephone Company ("West Tennessee") to respond to your correspondence seeking deployment of number portability in specific switch locations (the "Request") and completion of a "Service Level Agreement" ("SLA") West Tennessee is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where Verizon Wireless' coverage overlaps each of the rate centers owned and controlled by West Tennessee as specified in the Request¹ In this regard, please note that West Tennessee has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines²

We're reviewing the SLA and will respond shortly In the interim, West Tennessee requests that Verizon Wireless consider and propose the specific methodology by which the parties will physically exchange ported traffic. It is our understanding that no such arrangements exist today. We look forward to engaging in additional discussions leading to the establishment of an agreement regarding the terms and conditions under which the parties will engage in porting

Very truly yours,


Sylvia Lesse JAL/K

cc. Lera Roark

¹ Pursuant to Section 52.23(b)(2)(iii) of the Commission's Rules (47 C.F.R. § 52.23(b)(2)(iii)), West Tennessee notifies Verizon Wireless that the list of switches (and their respective CLLI designation) specified in the correspondence is correct. The switches currently are not number portable-capable.

² West Tennessee is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.

Yorkville Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 1: Has the company previously petitioned the FCC or the TRA requesting an extension of time, or a modification of the FCC's rules regarding number portability? If so, a copy of each company's filings should be provided with the response.

Answer: Yorkville Telephone Company has not filed any petitions to the FCC or the TRA for an extension of time, or any modification of the FCC's rules regarding number portability

Yorkville Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 2: Identify, by company, the switch designation(s), and exchange(s), for which the petition of suspension of the FCC's rules is being sought.

Answer: Yorkville Telephone Cooperative has a network of four small exchanges including Yorkville, Brazil/Eaton, Mason Hall and Trimble. We have four Mitel switches located throughout our service area at four central offices.

Yorkville Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 3: Identify and describe the specific equipment, software, programming or other technical issues that make number portability technically infeasible for each company.

Answer: For a small company with approximately 2,000 landline customers, it is difficult to justify the costs associated with providing Local Number Portability.

Yorkville Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 4: For each piece of equipment and/or software item that is required, identify the costs to each company to purchase, install and test each item necessary for the implementation of local number portability capability.

Answer: Costs Associated With Implementation – Our switch is software compliant for LNP, however we have received a quote which outlines database engineering for LNP implementation. This quote totals \$ 5,920.00 and can be provided if needed.

Yorkville Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 5: Identify the costs of each company, if any, of any contract(s) that must be entered into to participate in number portability. (Any costs or contract(s) considered required should not include interconnection agreements.)

Answer: Contracts must be entered into with our SS7 network provider, TSI. These contracts involve a per transaction fee. Yearly estimates would be approximately \$1,000.00.

Yorkville Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 6: Identify any administrative function(s) change(s), internal and external to the company, and the costs incurred to implement the change(s). (Administrative changes would include additional personnel, office equipment and etc.)

Answer: Currently, a current staff member would be required to learn all functions and processes relating to LNP

Yorkville Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 7: Identify each company's total cost to implement local number portability.

Answer: Total Cost To Implement – Approximately \$6,920 00

Yorkville Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 8: Provide the number of access lines each company has in service.

Answer: Access Lines – Approximately 2,000

Yorkville Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 9: Identify, by company, if the FCC authorized local number portability charge, as a regular monthly charge, is being imposed? If a LNP charge is being imposed by any company, how much is the monthly charge and when did the charge begin to show on customer's billing invoices for each company?

Answer: Currently, Yorkville Telephone Cooperative has not implemented a separate line item LNP charge on a customer's monthly invoice

Yorkville Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 10: Identify, by company, if there have been any previous requests from CLECs or Wireless Service Providers for number portability? Provide copies of those requests with the response.

Answer: Yorkville Telephone Cooperative has received a bona fide request from Verizon relating to LNP for wireline to wireless porting

Yorkville Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 11: Identify, by company, if the company can, or does, provide remote call forwarding, or like service features, as a subscription feature available to its consumers?

Answer: Yorkville Telephone Cooperative does offer Call Forwarding to our customers for a charge of \$2 00 per month

**Ben Lomand Rural Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004**

Question 1: Has the company previously petitioned the FCC or the TRA requesting an extension of time, or a modification of the FCC's rules regarding number portability? If so, a copy of each company's filings should be provided with the response.

Answer: Ben Lomand Rural Telephone Cooperative, Inc has not previously petitioned the FCC or the TRA for an extension of time, or modification of the FCC's rules regarding number portability

Ben Lomand Rural Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 2: Identify, by company, the switch designation(s), and exchange(s), for which the petition of suspension of the FCC's rules is being sought.

Answer: The switch designation is McMinnville Rural and the exchanges are

931-934	931-657	931-815
931-939	931-738	931-686
931-394	931-739	931-692
931-467	931-761	
931-592	931-935	
931-596	931-946	
931-779	931-635	
931-924	931-668	

Ben Lomand Rural Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 3: Identify and describe the specific equipment, software, programming or other technical issues that make number portability technically infeasible for each company.

Answer: We have no equipment limitation issues

Ben Lomand Rural Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 4: For each piece of equipment and/or software item that is required, identify the costs to each company to purchase, install and test each item necessary for the implementation of local number portability capability.

Answer: Not applicable

Ben Lomand Rural Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 5: Identify the costs of each company, if any, of any contract(s) that must be entered into to participate in number portability. (Any costs or contract(s) considered required should not include interconnection agreements.)

Answer: There would be contracts for NEUSTAR registration and SOA contracts with Verisign or Spirit. Most of these contracts are quantity based so it is difficult to determine the costs.

Ben Lomand Rural Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 6: Identify any administrative function(s) change(s), internal and external to the company, and the costs incurred to implement the change(s). (Administrative changes would include additional personnel, office equipment and etc.)

Answer: The administrative changes would involve updates to NECA tariff No 4
The testing of porting between the wireless and wire line companies
There would also be intercompany issued for the handling of porting.
These processes could require additional personnel cost of \$65,000-
70,000

**Ben Lomand Rural Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004**

Question 7: Identify each company's total cost to implement local number portability.

Answer: See answers to Questions 5 and 6

**Ben Lomand Rural Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004**

Question 8: Provide the number of access lines each company has in service.

Answer: Ben Lomand Rural Telephone Cooperative, Inc has 35,954 access lines as of December 31, 2003

Ben Lomand Rural Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 9: Identify, by company, if the FCC authorized local number portability charge, as a regular monthly charge, is being imposed? If a LNP charge is being imposed by any company, how much is the monthly charge and when did the charge begin to show on customer's billing invoices for each company?

Answer: Ben Lomand Rural Telephone Cooperative, Inc is not imposing the number portability charge as a regular monthly charge

Ben Lomand Rural Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 10: Identify, by company, if there have been any previous requests from CLECs or Wireless Service Providers for number portability? Provide copies of those requests with the response.

Answer: Copies of requests and responses are attached for Verizon, Cingular, AT&T Wireless and Sprint PCS

**Ben Lomand Rural Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004**

Question 11: Identify, by company, if the company can, or does, provide remote call forwarding, or like service features, as a subscription feature available to its consumers?

Answer: Ben Lomand Telephone can provide remote call forwarding as a subscription feature

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January 28, 2004

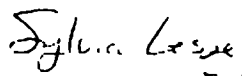
Linda Godfrey
Interconnection, Numbering and Mandates
Verizon Wireless
2785 Mitchell Drive
Walnut Creek, CA 94598

Dear Ms. Godfrey:

We have been asked by our client, Ben Lomand Rural Telephone Cooperative ("Ben Lomand") to respond to your correspondence seeking deployment of number portability in specific switch locations (the "Request") and completion of a "Service Level Agreement" ("SLA"). Ben Lomand is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where Verizon Wireless' coverage overlaps each of the rate centers owned and controlled by Ben Lomand as specified in the Verizon Wireless request.¹ In this regard, please note that Ben Lomand has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines.²

We're reviewing the SLA and will respond shortly. In the interim, Ben Lomand requests that Verizon Wireless consider and propose the specific methodology by which the parties will physically exchange ported traffic. We look forward to engaging in additional discussions leading to the establishment of an agreement regarding the terms and conditions under which the parties will engage in porting.

Very truly yours,



Sylvia Lesse

cc. | Gail Woodlee

¹ Pursuant to Section 52.23(b)(2)(iii) of the Commission's Rules (47 C.F.R. § 52.23(b)(2)(iii)), Ben Lomand notifies Verizon Wireless that the list of switches (and their respective CLEI designation) specified in the correspondence should be changed to reflect that all of Ben Lomand's switches are number portable-capable.

² Ben Lomand is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.

Attachment to Response # 10
to TRA's Data Request dated January
14, 2004
Docket No. 03-00633

Interconnection/Numbering/Mandates


verizonwireless

Verizon Wireless
2785 Mitchell Drive MS 7-1
Walnut Creek, CA 94598

November 14, 2003

IMMEDIATE ATTENTION REQUESTED

Ben Lomand Rural Telephone Co-Op
311 North Chancery
McMinnville, TN 37110

Re: Local Number Portability

Dear Gail Woodley :

The FCC has recently reiterated the pre-existing deadlines for local number porting for wireless and wireline carriers operating outside the Top 100 MSAs, effective May 24, 2004. Verizon Wireless Cellco Partnership d/b/a Verizon Wireless would like to begin to complete a Service Level Agreement (SLA) to ensure a smooth transition to number portability by establishing procedures to govern the exchange of information during the porting process. Specifically, an SLA would serve several purposes: memorialize the intercarrier communications processes that the two carriers intend to follow, capture appropriate porting center and trouble contacts, and contain the parties' agreement to successfully facilitate porting customers. If you have not already received a copy of our SLA, you can obtain one by contacting Sharon Canas at 925-279-6122 or email Sharon.Canas@VerizonWireless.com.

If negotiating an SLA is not possible in the next few weeks before the LNP deadline, Verizon Wireless's immediate concern is in obtaining, at minimum, a Trading Partner Profile (TPP). The TPP would provide basic factual information necessary to accomplish portability and would include those entities covered by the profile and any back-office or porting center contacts. Verizon Wireless plans to integrate this information into its information systems and also provide it to personnel staffing our porting center. Whether or not an SLA is ultimately executed, sharing this type of factual information is necessary to facilitate porting as well as fallout resolution. In this regard, we have enclosed a copy of the TPP with appropriate contact information.

Please include a response to this request along with a point of contact for provision of TPP information and/or SLA discussions in a letter or email addressed to the undersigned. Thank you for your immediate attention and cooperation.



Linda Godfrey
Member of Technical Staff
Interconnection Numbering and Mandates
Headquarters Network Operations Staff

Enclosure

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

January 28, 2004

Susan Riley
Sr. Interconnection Manager
Supply Chain Management
Cingular Wireless
5565 Glenridge Connector, Suite 1520
Atlanta, Georgia 30342

Dear Ms. Riley

We have been asked by our client, Ben Lomand Rural Telephone Cooperative ("Ben Lomand") to respond to your letter of November 28, 2003 requesting the deployment of number portability in specific switch locations. Ben Lomand is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where Cingular Wireless' coverage overlaps each of the rate centers owned and controlled by Ben Lomand as specified in the Cingular Wireless request.¹ In this regard, please note that Ben Lomand has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines.²

Ben Lomand is aware that the coverage area of Cingular Wireless is not coextensive with its telephone service areas (see Attachment, copy of Cingular Wireless' coverage area depicted on Cingular Wireless' web page and copy of Ben Lomand's service area) and, in fact, is extremely limited. Inasmuch as the FCC has specified that the obligation of a local exchange carrier's obligation to port to a wireless carrier is defined as the area "where the requesting wireless carrier's 'coverage area' overlaps the geographic location of the rate center in which the customer's wireline number is provisioned,"³ Ben Lomand requests specific identification of those areas where Cingular Wireless believes that coverage areas overlap. To the extent that Cingular Wireless plans service extension, Ben Lomand is, of course, prepared to entertain future, additional requests for portability deployment.

¹ Pursuant to Section 52.23(b)(2)(iii) of the Commission's Rules (47 C.F.R. § 52.23(b)(2)(iii)), Ben Lomand notifies Cingular that the list of switches (and their respective CLLI designation) specified in the correspondence should be changed to reflect that all of Ben Lomand's switches are number portable-capable and that only one switch, BCGVTNXARS0, serves an area within one of the top 100 MSAs.

² Ben Lomand is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.

³ *In the Matter of Telephone Number Portability: CIIA Petition for Declaratory Ruling on Wireline-Wireless Porting Issues, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, FCC 03-284, para. 22 (rel. Nov. 10, 2003).

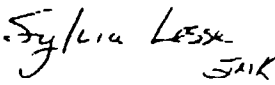
Attachment to Response # 10
to TRA's Data Request dated January
14, 2004
Docket No. 03-00633

Ms Riley
January 28, 2004
Page Two

In addition to specifying the geographic area in which porting will occur, Ben Lomand also requests that Cingular Wireless consider and propose the specific methodology by which the parties will physically exchange ported traffic. It is our understanding that no such arrangements exist today.

We look forward to receipt of the requested responses and to engaging in additional discussions leading to the establishment of an agreement regarding the terms and conditions under which the parties will engage in porting.

Very truly yours,


Sylvia Lesse

cc: Gail Woodlee

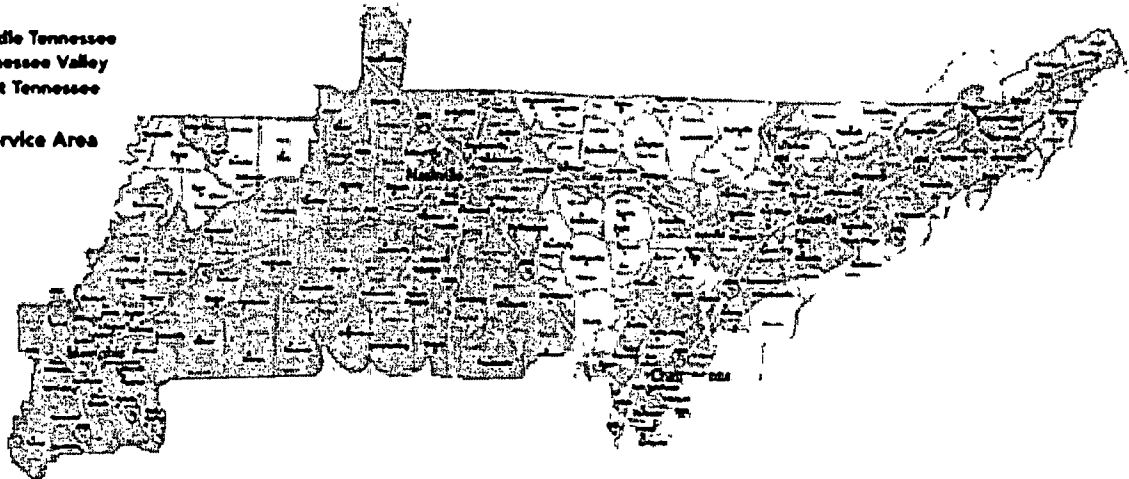
Cingular Home Plans with depicted calling area require a GSM handset

- **Cingular Tennessee Home Calling Area**
 - Anytime Minutes apply
 - Outside Tennessee Home Calling Area roaming rates are 79¢ per minute which includes long distance (call delivery charge of 20¢ per minute may apply)

Cingular Home Plans with depicted calling area require a GSM Dual Band Handset

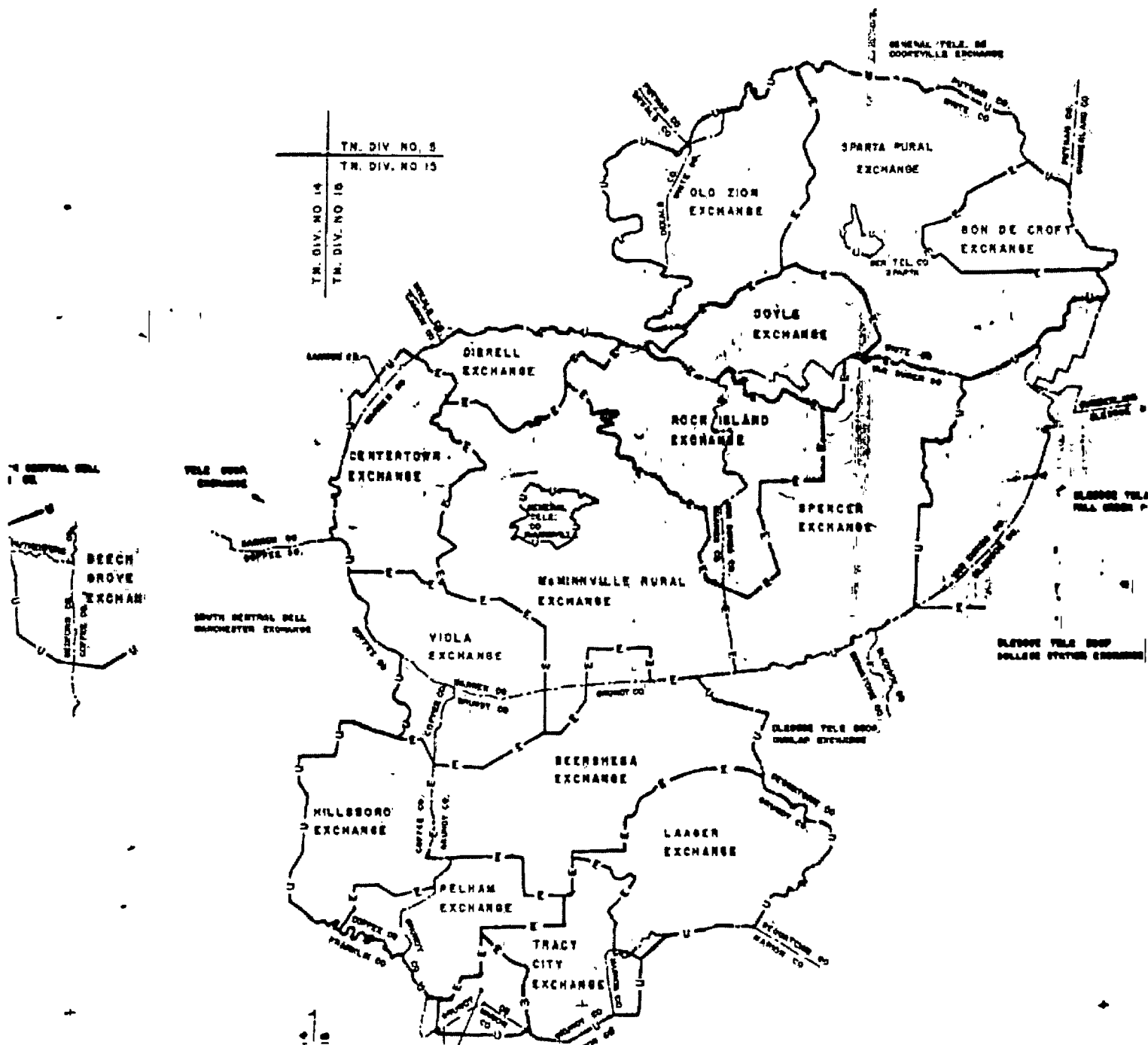
Cingular Digital Features Calling Area

- Middle Tennessee
- Tennessee Valley
- West Tennessee
- No Service Area



Map depicts an approximation of outdoor coverage. Map may include areas served by unaffiliated carriers, and may depict their licensed area rather than an approximation of the coverage there. Actual coverage area may differ substantially from map graphics, and coverage may be affected by such things as terrain, weather, foliage, buildings and other construction, signal strength, customer equipment and other factors. Cingular does not guarantee coverage. Charges will be based on the location of the site receiving and transmitting the call, not the location of the subscriber. Future Coverage, if depicted above, is based on current planning assumptions, but is subject to change and may not be relied upon.

11/03





November 28, 2003

Urgent Attention Required

Ben Lomand Telephone Coop.
LNP Contract Mgr.
1111 Smithville Hwy
McMinnville, TN 37110

Dear LNP Contract Manager:

Cingular Wireless LLC, on behalf of its wireless subsidiaries and affiliates ("Cingular"), is requesting the provisioning of portability with your company and subsidiaries and affiliates ("Company") for end users within the Top 100 MSAs effective November 24, 2003 and in markets outside the Top 100 MSAs by May 24, 2004 in accordance with the FCC's Wireless Number Portability Orders.

Enclosed are Cingular's documents to facilitate the negotiation and porting process between Cingular and your Company:

1. Trading Partner Profile
2. Bona Fide Request (BFR)

The FCC's recent Order dated November 7, 2003 requires wireline/wireless carriers to port with each other with or without an agreement. The FCC indicates that absent an agreement, carriers need only share basic contact and technical information sufficient to perform the port. The Trading Partner Profile (Enclosure 1) contains Cingular's company codes, port center and technical contacts, basic porting information and operating procedures. Cingular requests you to provide basic technical and operation contact information from your Company so we can enter it into our IT porting processes and provide to port support personnel. Exchanging such information is needed to facilitate porting and resolve conflicts with the porting process.

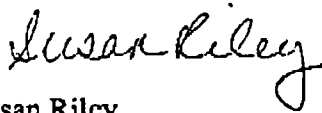
If your Company wishes to negotiate an agreement, please let me know and I will send our generic industry standard SLA.

Cingular has received requests and will be porting capable in its service areas within the Top 100 markets by 11/24/03 and outside the Top 100 by 5/24/04. Cingular is requesting

your Company to provide portability in the switches identified in the BFR (Enclosure 2). If your Company has not received a BFR for a specific market, Cingular is requesting that you identify the market and provide a list of these respective switches. We request that you complete the attached form and return it to the undersigned contact for Cingular within 10 days of receipt.

Thank you for your prompt attention and providing the Trading Partner Profile and other requested information. If you have any questions, please don't hesitate to call.

Sincerely,



Susan Riley
Sr. Interconnection Manager
Supply Chain Management
5565 Glenridge Connector, Suite 1520
Atlanta, GA 30342
Phone: (404) 236-6902
Fax: (404) 236-6093
Email: susan.riley@cingular.com

Enclosures

01/27/2004 05:44 931-668-6646

BEN LOMAND ADMIN

PAGE 06/08

Ben Lomand Rural
TN-6

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N W, Suite 520
Washington, D C 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

January 28, 2004

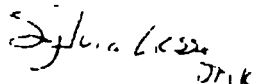
Suzy Nieman
Manager, Carrier Relations
AT&T Wireless
7277 164th Ave NE
Redmond, Washington 98052

Dear Ms Nieman.

We have been asked by our client, Ben Lomand Rural Telephone Cooperative ("Ben Lomand") to respond to your letter requesting the deployment of number portability in specific switch locations. Ben Lomand is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where AT&T Wireless' coverage overlaps each of the rate centers owned and controlled by Ben Lomand as specified in the AT&T Wireless request. In this regard, please note that Ben Lomand has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines.¹

While your letter indicates an attachment of a form that you request Ben Lomand to complete, no such form was attached. Please transmit the form at your convenience to Gail Woodlee at Ben Lomand and to me at the address provided above. We will review the form and respond as appropriate. Ben Lomand also requests that AT&T Wireless consider and propose the specific methodology by which the parties will physically exchange ported traffic. We look forward to engaging in additional discussions leading to the establishment of an agreement regarding the terms and conditions under which the parties will engage in porting.

Very truly yours,


Sylvia Lesse

cc: Gail Woodlee

¹ Ben Lomand is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.



November 21, 2003

W. Slusher
Ben Lomand Rural Tel
PO Box 670
McMinnville, TN 37110

Dear W. Slusher,

AT&T Wireless Services, Inc. is requesting provisioning of portability with your company for end users outside the Top 100 MSAs by May 24th, 2004 in accordance with the FCC's Wireless Number Portability Orders.

Enclosed is a Bona Fide Request form with a list of markets *outside the Top 100 MSAs* in which AT&T Wireless Services, Inc. is requesting portability by May 24th, 2004. Please indicate on the form whether each of your switches in the markets on this list in which you operate is LNP capable. If a switch is not currently LNP-capable, pursuant to the FCC's rules and requirements and this Bona Fide Request, you must ensure that your switches in the markets on this list are LNP capable by May 24, 2004.

We request that you complete the attached form and return to the undersigned by December 4th, 2003.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Suzy Nieman

Manager, Carrier Relations
Phone: (425) 580 0845
Fax: (425) 580 8609
Suzanne.nieman@attws.com

AT&T Wireless Services 7277 164th Avenue NE Redmond, WA 98052

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

January 28, 2004

Jeff Adrian
Industry Compliance and Operational Network Support, Numbering Solutions
Sprint PCS
6580 Sprint Parkway
Mailstop KSOPHW0516-5B360
Overland Park, Kansas 66210

Dear Mr. Adrian:

We have been asked by our client, Ben Lomand Rural Telephone Cooperative ("Ben Lomand") to respond to your letter requesting the deployment of number portability in specific switch locations. Ben Lomand is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where Sprint PCS' coverage overlaps each of the rate centers owned and controlled by Ben Lomand as specified in the Sprint PCS request. In this regard, please note that Ben Lomand has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines.¹

Ben Lomand is aware that the coverage area of Sprint PCS is not coextensive with its telephone service areas (see Attachment, copy of Sprint PCS' coverage area depicted on Sprint PCS' web page and copy of Ben Lomand's service area) and, in fact, is extremely limited. Inasmuch as the FCC has specified that the obligation of a local exchange carrier's obligation to port to a wireless carrier is defined as the area "where the requesting wireless carrier's 'coverage area' overlaps the geographic location of the rate center in which the customer's wireline number is provisioned,"² Ben Lomand requests specific identification of those areas where Sprint PCS believes that coverage areas overlap. To the extent that Sprint PCS plans service extension, Ben Lomand is, of course, prepared to entertain future, additional requests for portability deployment.

In addition to specifying the geographic area in which porting will occur, Ben Lomand also requests that Sprint PCS consider and propose the specific methodology by which the parties will physically exchange ported traffic. It is our understanding that no such arrangements exist today.

¹ Ben Lomand is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.

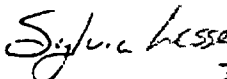
² *In the Matter of Telephone Number Portability, CTIA Petition for Declaratory Ruling on Wireline-Wireless Porting Issues, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, FCC 03-284 para. 22 (rel. Nov. 10, 2003).

Attachment to Response # 10
to TRA's Data Request dated January
14, 2004
Docket No. 03-00633

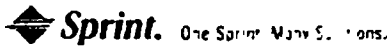
Mr. Adrian
January 28, 2004
Page Two

We look forward to receipt of the requested responses and to engaging in additional discussions leading to the establishment of an agreement regarding the terms and conditions under which the parties will engage in porting.

Very truly yours,


Sylvia Lesse *JK*

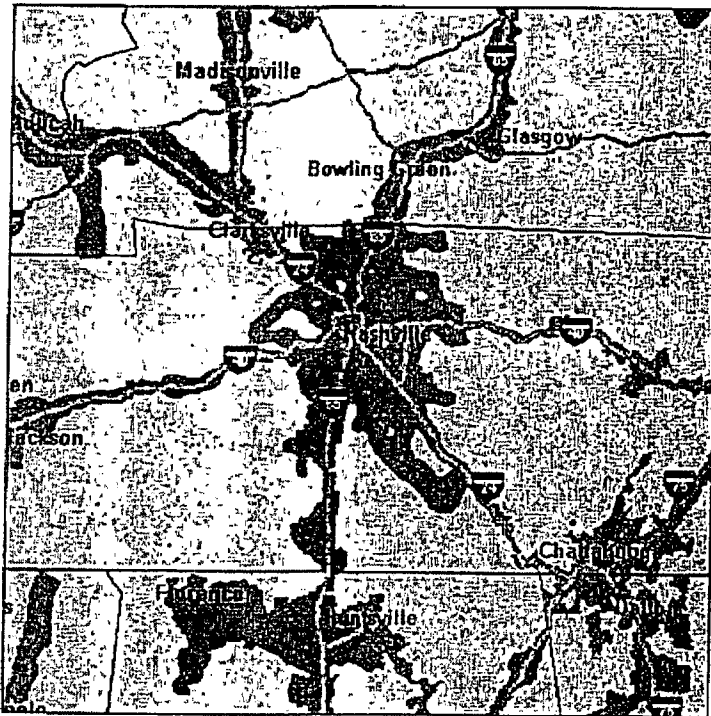
cc: | Gail Woodlee |



This map shows coverage in the Tullahoma, TN (This map shows coverage in the **<#1:># (<#2:>#) area**) area

[Back to Coverage Information](#)

[View plans in your area](#)



- ☒ Sprint Nationwide PCS Network
- ☐ Additional PCS Service
- ☐ OM-Network Service
- ☐ Planned Future Service

[Back to Coverage Information](#)

[View plans in your area](#)

Enter zip code

[View coverage](#)

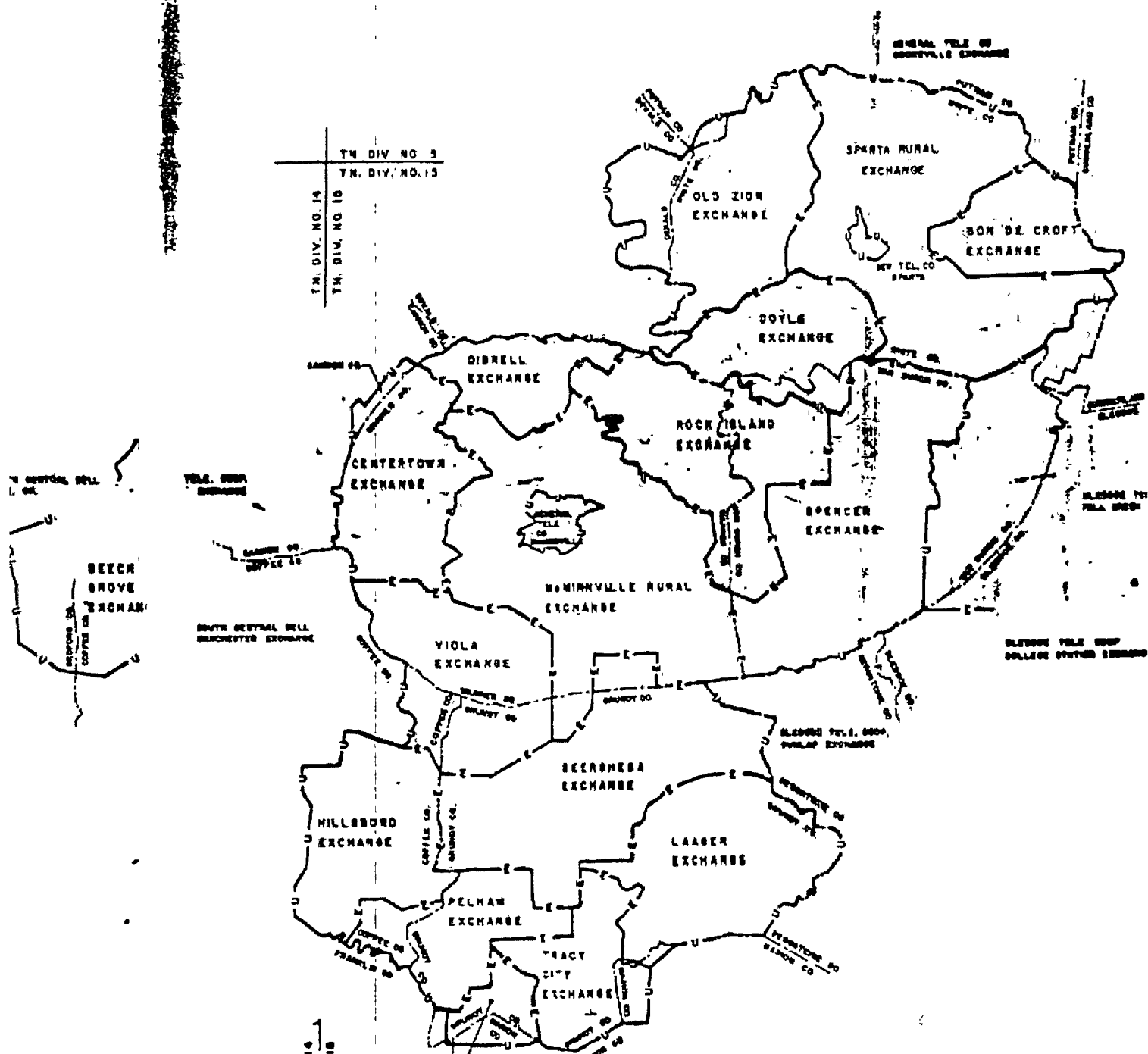
Or, select a state

Tennessee

[Go](#)

Service area maps are based on radio-frequency coverage projections and information provided by third parties. They are not a guarantee of service and may vary based on network capacity, weather and other conditions. Local service in some areas is provided under contract with Sprint by independent ATIS providers.

Service areas based on computer-generated projections and information provided by third parties. They are not a guarantee of service and may vary based on network capacity, weather and other conditions. Local service in some areas is provided under contract with Sprint by independent ATIS providers.



Loretto Telephone Company, Inc.
Response to Data Requests of January 14, 2004

Question 1: Has the company previously petitioned the FCC or the TRA requesting an extension of time, or a modification of the FCC's rules regarding number portability? If so, a copy of each company's filings should be provided with the response.

Answer: Loretto Telephone Co. has petitioned the FCC and the UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT through our national organization – The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) See Attached filings

Loretto Telephone Company, Inc.
Response to Data Requests of January 14, 2004

Question 2: Identify, by company, the switch designation(s), and exchange(s), for which the petition of suspension of the FCC's rules is being sought.

Answer:	LRTTTNXADSO	(931-853)	LORETTO, TN
	ETRGTXADSO	(931-829)	ETHRIDGE, TN
	LEOMTXARS5	(931-852)	LEOMA, TN
	STJSTNXARS5	(931-845)	ST. JOSEPH, TN
	FVPLTNXARS5	(931-556)	FIVE POINTS, TN

Loretto Telephone Company, Inc.
Response to Data Requests of January 14, 2004

Question 3: Identify and describe the specific equipment, software, programming or other technical issues that make number portability technically infeasible for each company.

Answer: Through previous upgrades to our Siemens DCO switch we have obtained some LNP functions. We estimate that the cost to complete all upgrades, for Hardware, Software, and SCAT technical assistance that the cost will be \$20,000.

Loretto Telephone Company, Inc.
Response to Data Requests of January 14, 2004

Question 4: For each piece of equipment and/or software item that is required, identify the costs to each company to purchase, install and test each item necessary for the implementation of local number portability capability.

Answer: Some costs unknown at this time

As for the billing software charges we have been informed by our programmers that it will be approximately \$20,000 to do the programming and test

Loretto Telephone Company, Inc.
Response to Data Requests of January 14, 2004

Question 5: Identify the costs of each company, if any, of any contract(s) that must be entered into to participate in number portability. (Any costs or contract(s) considered required should not include interconnection agreements.)

Answer: At this time we do not know what contract(s) we will have to enter, nor with who. We have personnel scheduled to attend seminars on LNP to find out what we will have to do to deploy LNP. Until we have the information on how/where LNP databases are going to be accessed we cannot provide a cost at this time.

Loretto Telephone Company, Inc.
Response to Data Requests of January 14, 2004

Question 6: Identify any administrative function(s) change(s), internal and external to the company, and the costs incurred to implement the change(s). (Administrative changes would include additional personnel, office equipment and etc.)

Answer: We understand that we have 4 days to port a number after we get a request from a Wireless Carrier. We have one day for validation – to contact the customer and verify that the customer does want their number ported. We believe that we will have to add a person to just handle this workload. This will depend on how many request we receive. In the past we have not had any success in contacting customer during the day.

We will have to modify our existing intra company records to reflect ported numbers. We are going to have to forward ported number information to various providers. We believe that it will cost \$150 per ported number.

Loretto Telephone Company, Inc.
Response to Data Requests of January 14, 2004

Question 7: Identify each company's total cost to implement local number portability.

Answer: We estimate (and it is only an estimate) that it will cost \$50,000 to implement LNP.

Loretto Telephone Company, Inc.
Response to Data Requests of January 14, 2004

Question 8: Provide the number of access lines each company has in service.

Answer: As of December 31, 2003 Loretto Telephone Col had 6,300-access line in service

Loretto Telephone Company, Inc.
Response to Data Requests of January 14, 2004

Question 9: Identify, by company, if the FCC authorized local number portability charge, as a regular monthly charge, is being imposed? If a LNP charge is being imposed by any company, how much is the monthly charge and when did the charge begin to show on customer's billing invoices for each company?

Answer: Loretto is not imposing a LNP charge to the customer

Loretto Telephone Company, Inc.
Response to Data Requests of January 14, 2004

Question 10: Identify, by company, if there have been any previous requests from CLECs or Wireless Service Providers for number portability? Provide copies of those requests with the response.

Answer: We have received a letter from Verizon Wireless and AT&T Wireless concerning LNP

Loretto Telephone Company, Inc.
Response to Data Requests of January 14, 2004

Question 11: Identify, by company, if the company can, or does, provide remote call forwarding, or like service features, as a subscription feature available to its consumers?

Answer: Loretto Telephone Co does provide remote call forwarding

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
CTIA Petitions for Declaratory Ruling on)	
Wireline-Wireless Porting Issues)	

EMERGENCY JOINT PETITION FOR PARTIAL STAY AND CLARIFICATION

**INDEPENDENT TELEPHONE AND
TELECOMMUNICATIONS ALLIANCE**

David W Zesiger, Executive Director
1300 Connecticut Avenue NW
Washington, DC 20036
(202) 775-8116

**NATIONAL TELECOMMUNICATIONS
COOPERATIVE ASSOCIATION**

L Marie Guillory, Vice President
Jill Canfield, Regulatory Counsel
4121 Wilson Boulevard, 10th Floor
Arlington, VA 22203
(703) 351-2000

**ORGANIZATION FOR THE PROMOTION
AND ADVANCEMENT OF SMALL
TELECOMMUNICATIONS COMPANIES**

John N Rose, President
Stuart Polikoff, Director
of Government Relations
21 Dupont Circle, N W , Suite 700
Washington, DC 20037
(202) 659-5990

November 21, 2003

ITTA, NTCA, OPASTCO
November 21, 2003

**Attachment to Response # 1
to TRA's Data Request dated January
14, 2004
Docket No. 03-00633**

CC Docket 95-116

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**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
CTIA Petitions for Declaratory Ruling on)	
Wireline-Wireless Porting Issues)	

EMERGENCY JOINT PETITION FOR PARTIAL STAY AND CLARIFICATION

Pursuant to Sections 1.41, 1.43 and 1.106(n) of the Commission's Rules,¹ the Independent Telephone and Telecommunications Alliance (ITTA), the National Telecommunications Cooperative Association (NTCA), and the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) seek a partial stay of the Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, Telephone Number Portability, CC Docket No. 95-116, FCC 03-284 (released November 10, 2003) (the "*Order*"). ITTA, OPASTCO, and NTCA collectively represent the vast majority of rural, small and mid-sized incumbent local exchange carriers (ILECs). Individual Association members each serve less than two percent of the Nation's subscriber lines (hereafter the 2 Percent Carriers). (The ITTA, NTCA and OPASTCO are collectively referred to herein as "Petitioners.")

¹ 47 C.F.R. §§ 1.41, 1.43 and 1.106(n)

This request for Stay is submitted by each petitioner on behalf of its respective member Local Exchange Carriers (“LECs”), each of which is a LEC that serves fewer than 2 percent of the Nation’s subscriber lines² Petitioners respectfully submit that, with respect to the 2 Percent Carriers, good cause exists to Stay the effectiveness of the Memorandum Opinion and Order and Further Notice of Proposed Rulemaking, *Telephone Number Portability*, CC Docket No 95-116, FCC 03-284 (released November 10, 2003) (the “Order”)

INTRODUCTION AND SUMMARY

The Request for Stay of the *Order* with Respect to the 2 Percent Carriers is Consistent with the Established Criteria for Grant of a Stay Request and the Commission’s Commitment to Consideration of Rural Carriers and Rural Customer Concerns The Petitioners emphasize to the Commission that the intent of this request is not to stop or impede the evolution of either competition or local number portability (LNP). The purpose of this request is to ensure, consistent with the explicit Congressional intent set forth in the Act, that the provision³ of wireline-to-wireless LNP in the areas served by the 2 Percent Carriers is implemented in a manner that. 1) is technically feasible, 2) is not unduly economically burdensome, 3) does not result in a significant adverse impact on users of telecommunications service generally, and 4) is

² See, Section 251(f)(2) of the Communications Act of 1934, as amended (the “Act”)

³ Petitioners are aware that the Commission has issued an Order in this proceeding dated November 20, 2003, in which the Commission denies a Joint petition for Stay filed by the United States Telecom Association and CenturyTel of Colorado, Inc (the “Joint Petition”) Petitioners will not herein repeat the arguments that the Commission has addressed in the Order denying the Joint Petition except to the extent that the record and the public domain demonstrate the existence of facts limited to the concerns of the 2 percent carriers that have not previously been addressed The Petitioners and their individual members reserve all rights with respect to seeking relief from a court of competent jurisdiction regarding any and all issues associated with the Order including those matters addressed by the Commission in its November 20, 2003 denial of the Joint Petition

consistent with the public interest, convenience and necessity.⁴

The recognition of the distinction of the characteristics and concerns regarding the 2 Percent Carriers and their customers from the larger ILECs was first statutorily codified in the Telecommunications Act of 1996. The Commission, however, has a long history of policymaking both prior to and subsequent to 1996 that reflects the recognition of these distinctions. In fact, the consideration of these characteristics and distinctions has formed the basis for the Commission's thoughtful adoption of policy affecting rural subscribers and their rural incumbent providers.⁵

The *Order*, in contrast to the rigorous consideration of the distinct characteristics and concerns of the 2 Percent Carriers and their customers afforded by the Commission in other policy decisions, does not address and resolve rural deployment concerns. The Petitioners respectfully submit that the Commission's review of information on the record in this proceeding and otherwise in the public domain demonstrates that good cause exists to Stay the effectiveness of the *Order* with respect to the 2 Percent Carriers.

The Petitioners and other parties will undoubtedly seek formal reconsideration and clarification of the issues and concerns raised herein. When the Commission addresses the specific issues and concerns of the 2 Percent Carriers, Petitioners expect that the Commission will, consistent with its tradition of consideration and concern for issues affecting rural consumers and their service providers, modify the requirements for wireline-to-wireless LNP established in the *Order* with respect to the application of those requirements to the 2 Percent Carriers.

⁴ See, Section 251(f)(2) of the Act. The referenced criteria are those that are considered by a State Commission, pursuant to the Act, when determining whether a Section 251(b) or (c) interconnection requirement should be suspended or modified in the service areas of a 2 Percent Carrier.

⁵ See, e.g., *Rural Task Force Order*, 16 FCC Rcd 11244 (rel. May 23, 2001).

As demonstrated below, irreparable harm will result in the absence of the requested Stay. Two Percent Carriers will be subjected to technically infeasible compliance deadlines and resulting enforcement actions.⁶ They will also be required to invest limited resources in otherwise unnecessary efforts to comply with technical aspects of the *Order* that disregard the operational realities of the interconnection arrangements that wireless carriers have generally established with the networks of the 2 Percent Carriers. Moreover, in the absence of a Stay of the application of the *Order* to the 2 Percent Carriers, the opportunity contemplated by Congress for the State Commissions to exercise their rights and judgment in determining whether the deployment of number portability is in the public interest in the service areas of the 2 Percent Carriers could be adversely affected.⁷ Although wireless carriers may protest that the Stay will harm their competitive efforts, any such asserted harm is not irreparable. The Petitioners respectfully submit that the interests of all parties will be better served by ensuring that the deployment of number portability in the rural areas of the nation is achieved in a thoughtful manner that does not harm consumers or disregard the very real operational and network issues that must be addressed prior to any number being ported accurately.⁸

⁶ See, *Order* at n 76

⁷ See, Sec. 251(f)(2) of the Act. In this regard, the Petitioners are concerned that the Commission may have inadvertently signaled an attempt to preempt the rights of State Commissions. In the context of its determination that interconnection agreements are not necessary for intermodal porting, the Commission states: "We also do not believe that the state regulatory oversight mechanism provided by Section 251 is necessary to protect consumers in this limited instance." *Order* at para. 36. Apart from the fact that the Commission made no effort to substantiate how such a conclusory assertion meets the standards for forbearance set forth in Section 10 of the Act, the Commission cannot forbear from a function expressly delegated by Congress to State Commissions to exercise. Pending action on forthcoming petitions for reconsideration and clarification to establish that the Commission has not preempted the rights of the State Commissions pursuant to Section 251, Stay of the effectiveness of the *Order* with respect to the 2 Percent Carriers is warranted.

⁸ As described herein, in general wireless carriers do not have direct connectivity to the networks of the 2 Percent Carriers. Calls from wireline carriers to a point of interconnection with a wireless carrier beyond the wireline carrier's network are transported generally by interexchange carriers or intraLATA toll

True consumer benefit from LNP can be achieved only if the porting process will actually work in such a manner to meet consumer expectations. The implementation and network challenges associated with LNP in rural markets is real and must be addressed. Accordingly, grant of the Stay requested by the Petitioners on behalf of the 2 Percent Carriers will serve the overall and balanced consideration of the public interest ⁹

I. The Compliance Deadlines Established by the *Order* are not Consistent with the Operations and Characteristics of the 2 Percent Carriers.

The *Order* requires wireline carriers operating within the top 100 Metropolitan Statistical Areas (MSAs) to support wireline-to-wireless porting by November 24, 2003 ¹⁰ The language of the *Order* suggests that the Commission's intent may have been to provide the 2 Percent Carriers with a "transition period" to "help ensure a smooth transition" in the deployment of number portability in their service areas

(F)or wireline carriers operating in areas outside of the 100 largest MSAs, we hereby waive, until May 24, 2004, the requirement that these carriers port numbers to wireless carriers that do not have a point of interconnection or numbering resources in the rate center where the customer's wireline number is provisioned We find that this transition period will help ensure a smooth transition for carriers operating outside of the 100 largest MSAs and provide them with sufficient time to make necessary modifications to their systems ¹¹

carriers that charge for their interexchange services These wireline to wireless calls are not "local exchange service " See Section III, *infra*

9 The Petitioners' request is, accordingly, consistent with the criteria for Stay 1) Petitioners are likely to prevail on the merits, 2) irreparable harm will result in the absence of Stay, and 3) consideration of the effect on other parties in contrast to the overall public interest warrants grant of the Stay *Virginia Petroleum Jobbers Ass'n v FPC*, 259 F 2d 921, 925 (D C Cir 1958), see also, *Washington Metropolitan Transit Commission v Holiday Tours, Inc*, 559 F 2d 841 (D C Cir 1977)

10 *Order* at para 29

11 *Id* Moreover, Commissioner Adelstein, in supporting the Commission's waiver of LNP obligations for carriers operating outside of the top 100 MSAs until May 24, 2004, indicated that this decision was made because of "certain limitations on the ability of the nation's smallest LECs to technically provide LNP " Commissioner Martin also noted that small and rural carriers require this additional time in order to overcome the burdens associated with LNP deployment See, *Id*, Separate Statements of Commissioners Jonathan S Adelstein and Commissioner Kevin J Martin

Unfortunately, the realization of the intent expressed by the Commission to provide a transition cannot be achieved in the absence of the requested Stay because of the operational factual realities and network characteristics of the 2 Percent Carriers that are not addressed and resolved by the *Order*

- A. Unlike the Larger LECs that are the predominant service providers in the top 100 MSAs, the 2 Percent Carriers have not been required under the Commission's existing rules to deploy number porting capability.**

When the Commission released the *Order* on November 10, 2003 establishing the compliance deadline for wireline-to-wireless portability in the top 100 MSAs for November 24, 2003 (two weeks after the issuance of the *Order*), it clearly did not consider that many 2 Percent Carriers serve small portions of the access lines in the top 100 MSAs¹² Given the language cited above reflecting the Commission's intent to provide a "transition period" for carriers operating outside of the top 100 MSAs, it is likely that the Commission may have assumed that the carriers providing service in the top 100 MSAs have already deployed the hardware and software necessary to support number porting With the development of competitive local exchange carrier (CLEC) competition in urban areas, the Commission may have expected that *bona fide* requests and the resulting deployment of number portability in the switches of the large carriers that predominantly serve these markets has already taken place¹³ Under these

¹² In those instances where 2 Percent Carriers serve portions of the top 100 MSAs, their service is generally provided in the more rural areas of those MSAs contiguous to the greater portion of the Carrier's operations in rural market areas The access lines served in the top 100 MSAs by a 2 Percent Carrier generally represents a relatively small percentage of that carrier's total operations

¹³ Under the Commission's existing rules, service provider portability at the same location has been available upon request since December 31, 1998 47 CFR § 52.23

circumstances, and setting aside all of the other aspects of the *Order* that subject it to challenge, we take no position whether it may be unreasonable, arbitrary or capricious to provide only two weeks notice of the requirement to support intermodal wireline-to-wireless LNP

These circumstances, however, are not the circumstances applicable to the 2 Percent Carriers. In general, the service areas served by the 2 Percent Carriers (with operations both inside and outside of the top 100 MSAs) have not been subjected to requests for number portability from CLECs. Accordingly, and consistent with the Commission's Rules and Regulations, the 2 Percent Carriers have not generally deployed the hardware and software in their switches to support number portability in their operations whether inside or outside of the top 100 MSAs except where they may have received BFR's from wireline carriers or CLECs within the rate center. For these carriers, it is technically infeasible to support wireline-to-wireless number portability in accordance with the *Order* by November 24, 2003. With respect to the 2 Percent Carriers, Stay of the effectiveness of the *Order* is necessary to avoid a clearly arbitrary result. So, contrary to the Commission's assertions, rural LECs have not necessarily had years to prepare for LNP in their markets.

A two-week notice is an unquestionably inadequate period within which to deploy wireline-to-wireless number porting capability in switches that have not previously been upgraded to support portability. The Commission's rules provide for a six-month period to deploy hardware or switch changes from the time of receipt of a legitimate request for portability.¹⁴

14 47 CFR § 52.23

Moreover, with the November 2003 *Order* denying the Joint Petition filed by the United States Telecom Association (USTA and CenturyTel, Inc), the Commission appears to indicate that, absent a *bona fide* request from a wireless carrier, LNP deployment is not expected. Prior to November 10, 2003, and the release of the Commission's *Order*, no person or entity could maintain with certainty that a request for intermodal portability, as described in the *Order*, could possibly be *bona fide*. In fact, the subject matter of the CTIA's request for declaratory ruling necessarily implied the very presence of uncertainty regarding the legitimacy of this new type of intermodal portability.¹⁵ Good reason existed for the CTIA's uncertainty. The intermodal portability that the wireless carriers seek does not require the customer to utilize the ported number "at the same location" where the number was previously used prior to porting.¹⁶

Without reaching all of the legal challenges which the *Order* will undoubtedly encounter, the Commission can address and grant this request for Stay based on the facts before it. The CTIA submitted its initial declaratory ruling request on January 23, 2003

¹⁵ See, joint comments filed by NTCA and NECA, and comments filed by OPASTCO on Feb. 26, 2003 in response to, Comments Sought on CTIA Petition for Declaratory Ruling That Wireline Carriers Must Provide Portability to Wireless Carriers Operating Within Their Service Areas, CC Docket No. 95-116, 18 FCC Rcd 832 (2003) and also OPASTCO comments filed June 13, 2003 in response to, Comment Sought on CTIA Petition for Declaratory Ruling on Local Number Portability Implementation Issues, CC Docket No. 95-116, CC Docket No. 95-116, DA 03-1753 (rel. May 22, 2003), and also NTCA reply comments filed June 24, 2003 in response to Comment Sought on CTIA Petition for Declaratory Ruling on Local Number Portability Implementation Issues, CC Docket No. 95-116, DA 03-1753 (rel. May 22, 2003).

¹⁶ See, Section 3(30) of the Act which defines number portability in the context of use of the number "at the same location," not the same *service area*, not the same *CMRS license area*, not within the same *LATA*, and not rated to the same rate center - but "**at the same location.**" As previously noted, the Petitioners reserve their rights with respect to seeking relief from a court of competent jurisdiction regarding any and all issues associated with the *Order* including the issue of whether the *Order* exceeds the Commission's authority. At the end of the day, the Commission cannot escape the fact that the requirement to provide number portability is established in Section 251 of the Act and number portability is defined by Section 3 (30) of the Act. The *Order* clearly requires number portability beyond the scope of the Commission's authority. The disregard of the statutory limitations and subsequent requirement of investment by the 2 Percent Carriers, the consequent additional cost burden on the consumers they serve, and the likely anticipated competitive loss (compounded by the existing restrictions on wireless-to-wireline porting) will cause irreparable harm and disservice to the overall public interest. Good cause exists to grant the requested Stay.

The Commission's guidance was not provided until November 10, 2003. During the intervening period, there was no basis for any LEC to act to support the type of intermodal LNP requested by the wireless carriers.

Clearly, pending the issuance of the Commission's guidance regarding the issues raised by the CTIA, it would have been irresponsible for any LEC to incur significant investments in software upgrades or new switches to accommodate the intermodal portability requests, investments which may or may not have been consistent with the Commission's ultimate decisions but which would have unavoidably imposed additional cost burdens on consumers. In fact, the Commission itself in announcing the issuance of the *Order* stated in its November 12, 2003 Daily Digest, "FCC CLEARS WAY FOR LOCAL NUMBER PORTABILITY BETWEEN WIRELINE AND WIRELESS CARRIERS." The existence of uncertainty, confusion and the need for clarification was well known and understood by all parties and by the Commission. Under these circumstances, the 2 Percent Carriers should not be subjected to a two-week notice period to deploy a service that the Commission's own rules provide a six-month notice period prior to provisioning. The Petitioners submit that the requested Stay should be granted. To put the intermodal portability deadline in perspective, the wireless industry required at least 18-24 months to prepare for intermodal portability. It is neither reasonable nor practicable to subject the Petitioners to the November 24, 2003 compliance deadline.¹⁷

¹⁷ Petitioners recognize and anticipate that carriers may seek waiver of this requirement as noted in the *Order* at para. 30. The public interest will be further served by grant of the requested Stay which will obviate the necessity of the Commission's devotion of resources to the processing of the large number of anticipated waiver requests.

B. Good Cause Exists to Stay the Effectiveness of the *Order* on the 2 Percent Carriers Pending Reconsideration and Clarification of Additional Aspects of the Compliance Deadlines Established in the *Order*.

The concerns of the Petitioners and the 2 Percent Carriers with the compliance deadlines set forth in the *Order* are not limited to those instances where a 2 Percent Carrier serves a portion of a top 100 MSA. The language of paragraph 29 of the *Order* unfortunately lends itself to ambiguity and resulting controversies. For example, although the *Order* requires wireline carriers to support wireline-to-wireless LNP in the top 100 MSAs by November 24, 2003, the compliance deadline does not address a situation common to many 2 Percent Carriers that serve a small portion of a top 100 MSA utilizing a switch that is located outside of that MSA. Although the Commission's rules provide that LNP is requested on a switch specific basis,¹⁸ the language establishing the compliance deadlines is not clear. Is a 2 Percent Carrier required to support LNP in the small portion of a top 100 MSA regardless of where its switch is located, or only if its switch is in a top 100 MSA?¹⁹

18 47 CFR § 52.23

19 The ambiguities regarding the application of the compliance deadlines established by the *Order* are further exacerbated by questions regarding the determination of what constitutes the "top 100 MSAs" for purposes of the *Order*. The Commission must address the ramifications of the revised definitions of MSAs by the Census Bureau which were effective June 6, 2003. Petitioners understand that the Commission treats an MSA that was once in the top 100 MSAs as a "top 100 MSA" notwithstanding that it may no longer be included in the top 100 MSAs. The petitioners are unaware, however, of how the Commission treats a specific county that was once associated with a top 100 MSA, but is no longer associated with that MSA. Similarly, the Petitioners are aware of circumstances where 2 Percent rural carriers are associated with newly established non-top 100 MSAs which were once incorporated into another MSA in the top-100 MSAs.

Equally troubling and a likely source of otherwise unnecessary disputes between parties is the following language from the Commission's Order

(F)or wireline carriers operating in areas outside of the 100 largest MSAs, we hereby waive, until May 24, 2004, the requirement that these carriers port numbers to wireless carriers that do not have a point of interconnection or numbering resources in the rate center where the customer's wireline number is provisioned²⁰(Underscoring added)

This is the same language cited in Section A above which the Petitioners believe the Commission adopted to provide the 2 Percent Carriers with a transition period. The underscored language, however, raises unanswered questions and concerns. Even if a 2 Percent Carrier provides no service in a top 100 MSA, the underscored words will likely be used by a wireless carrier to request immediate intermodal portability on the basis of an assertion that the wireless carrier has "a point of interconnection or numbering resources in the rate center where the customer's wireline number is provisioned."

Because of this ambiguity in the cited language, the apparent objective to provide the 2 Percent Carriers with a transition period is not achieved. Moreover, the words "point of interconnection or numbering resources in the rate center" raise additional ambiguities and uncertainties, as the Commission is aware. Issues exist within pending proceedings at the Commission with respect to what constitutes a "point of interconnection" when a wireless carrier elects to utilize indirect interconnection to the network of a 2 Percent Carrier. Similarly, questions regarding what legitimately constitutes a numbering resource in a rate center are also pending.²¹ As a result of the

²⁰ Order at para. 29

²¹ Within the context of the Commission's consideration of intercarrier compensation issues there are numerous pending matters addressing various aspects of wireline/wireless interconnection including the treatment of so-called "transit traffic," obligations regarding the routing and rating of traffic and the utilization of rate centers, and the use of "phantom NXXs." In this regard, the Order references the Sprint petition for Declaratory Ruling. Order at n. 75.

lack of clarity and certainty with respect to these matters, otherwise unnecessary controversies and disputes will undoubtedly arise in the context of a request to a 2 Percent Carrier for portability. The obvious need for clarification and reconsideration of these matters further substantiates the good cause that exists to grant the requested Stay.²²

II. The Technical requirements of the *Order* Regarding the Rating and Routing of Calls to Ported Numbers are not Factually Consistent with the Operations and Characteristics of the 2 Percent Carriers.

A. It is Technically Infeasible for the 2 Percent Carriers to Comply Fully with the Requirements of the *Order* With Respect to Routing and Rating of Calls to Ported Numbers.

As discussed above, the service and operational characteristics of the 2 Percent Carriers are distinct from the larger carriers that predominantly serve the top 100 MSAs. Unlike the larger carriers, the 2 Percent Carriers have generally not received requests from CLECs for LNP and, consequently, their switches are not technically capable of supporting intermodal portability to customers residing inside or outside of the top 100 MSAs. Distinctions between the 2 Percent Carriers and the larger carriers also exist with respect to the network arrangements (or lack thereof) in place with wireless carriers. These distinctions render it technically infeasible for 2 Percent carriers to comply generally with the rating and routing requirements established by the *Order*.

²² The Petitioners have also been concerned that the broad language utilized in the *Order* at para. 29 may be interpreted to require the 2 Percent Carriers to deploy intermodal porting capability by either November 24, 2003 or May 24, 2004 irrespective of whether or not they have received BFR for portability from a carrier. As noted above, the November 20, 2003 decision denying the Joint Petition, states that “carriers do not need to deploy LNP until receiving a request from another carrier to do so.” The Petitioners believe that it is imperative that this interpretation of relevant statutes be confirmed, so that small and rural LECs have a reasonable degree of certainty with regards to their LNP-associated obligations.

Specifically, the *Order* requires that “calls to the ported number will continue to be rated in the same fashion as they were prior to the port. As to the routing of calls to ported numbers, it should be no different than if the wireless carrier had assigned the customer a new number rated to that rate center.”²³ The quote reflects an apparent assumption that the Commission has made that somehow a wireless carrier may have a right to “associate” a number with a rate center and thereby automatically ensure that calls to that number will be treated by an originating LEC as a “local exchange service” call.²⁴ While the Commission’s assumption may or may not be correct in the areas served by larger carriers that have deployed network facilities throughout a Local Access Transport Area (LATA) or region, this assumption is most definitely not correct with respect to 2 Percent Carriers.

Neither interconnection between two carriers nor the establishment of an Extended Area Service (EAS) route between two carriers occurs automatically or by regulatory fiat. Interconnection occurs within the framework of Section 251 of the Act and is initiated by a request of one carrier to another, interconnection is not a product of spontaneous generation.²⁵ Similarly, the establishment of an EAS route does not occur in

²³ *Order* at para. 28.

²⁴ The Petitioners note with concern that this apparent assumption regarding the treatment of traffic from a wireline carrier to a wireless carrier appears to prejudge issues pending before the Commission in the Sprint Petition for Declaratory Ruling.

²⁵ In this regard, the Petitioners reiterate their concern with the Commission’s statement, “We also do not believe that the state regulatory oversight mechanism provided by Section 251 is necessary to protect consumers in this limited instance.” *Order* at para. 36. Petitioners urge the Commission to guard against any party that attempts to avoid the statutorily established framework of request, negotiation, and state Commission arbitration, if necessary. Forbearance in this instance may be a disservice to the public interest. The Commission bases its forbearance on an assumption that “number portability, by itself, does not create new obligations with regard to exchange of traffic between the carriers involved in the port.” *Order* at para. 36. The Commission should be aware that this statement is not factually sustainable in the instance of most of the 2 Percent Carriers which do not have an established relationship with wireless carriers that have elected to transport traffic to the customers of the 2 Percent Carriers via a third party carrier.

the absence of negotiation and agreement regarding the exchange of traffic between the two carriers

Irrespective of the factual assumptions implicit in the *Order*, the fact is that if a call is ported to a wireless carrier that has no established interconnection arrangement with a 2 Percent Carrier, the “calls to the ported number” cannot be rated “in the same fashion as they were prior to the port”²⁶ In the absence of an established interconnection arrangement with a wireless carrier, calls from wireline carriers to the network of the wireless carrier are generally carried by the originating end user’s choice of toll carrier or interexchange carrier (IXC)

Where the *Order* directs wireline carriers to route “calls to ported numbers no different than if the wireless carrier had assigned the customer a new number rated to that rate center,” the routing will be to the originating wireline customer’s chosen toll or IXC in those instances where a wireless carrier has failed to establish an interconnection arrangement with the wireline carrier pursuant to Section 251 of the Act Under these circumstances, the wireline carrier is unable to comply with the requirement of the *Order* to rate calls to the ported number “in the same fashion as they were prior to the port ” The rating is performed by the originating customer’s toll or interexchange service provider

²⁶ In fact, the Commission should be aware that 2 Percent Carriers do not “rate” calls within a local exchange service calling scope “Rating” is a function performed by toll or interexchange carriers

B. The *Order* Disregards the Factual Realities Regarding the Networks and Operations of the 2 Percent Carriers; the *Order* Disregards the Consumer Confusion and Dissatisfaction that will Result in the Absence of a Grant of the Requested Stay.

Petitioners are concerned by the *Order's* disregard for the specific operational and network characteristics of the 2 Percent Carriers and of the factual realities regarding the existing exchange of traffic between the 2 Percent Carriers and wireless carriers. The Commission should be aware that each of the Petitioners and their members have met with Commission Staff in this proceeding and numerous other proceedings to set forth and explain these factual realities²⁷ Acknowledgement and understanding of these fundamental operational realities is vital not only within this proceeding, but in each of the pending proceedings before the Commission which will impact the provision of universal service in the areas served by the 2 Percent Carriers²⁸

In this regard, Petitioners observed with distress the following statement in the November 20, 2003, Order denying the Joint Petition filed by the USTA and CenturyTel

Finally, with no factual backup, petitioners assert that there is no established method for routing and billing calls ported outside of the local exchange We note that today, in the absence of wireline-to-wireless LNP, calls are routed outside of local exchanges and routed and billed correctly. We thus find that, without more explanation, the scope of the alleged

²⁷ *Ex Parte* meetings with FCC Commissioners, their advisors or bureau staff held July 31 with the Wireless Telecommunications Bureau, on September 4 with Commissioner Adelstein and his legal advisor for spectrum issues, Commissioner Copps and legal advisor Paul Margie, on September 9 with Sheryl Wilkerson, an advisor to Chairman Powell and Trey Hanbury from the Office of General Counsel, on September 17 with Barry Ohlson, legal advisor to Commissioner Adelstein, Jason Williams, special assistant to Commissioner Martin, Paul Margie, legal advisor to Commissioner Copps, Sheryl Wilkerson, legal advisor to Chairman Powell & Jennifer Manner, senior counsel to Commissioner Abernathy, on September 29 with Commissioner Martin and his legal advisor Sam Feder, on October 21 with FCC staff Bill Maher, Carol Matthey, Paul Garnett, Cheryl Callan, Eric Einhorn and Rob Tanner

²⁸ As the Commission is aware, it is this basic concern for the welfare of customers in the rural areas generally served by the 2 Percent Carriers that lead Congress to statutorily identify and provide distinct treatment for the 2 Percent Carriers with respect to the determination of interconnection requirements pursuant to Section 251 of the Act

problem and its potential effect on consumers is unclear²⁹

To those committed to investment in telecommunications infrastructure throughout rural America, the tone and content of the quoted statement is chilling. With deference and respect, the Petitioners will endeavor to summarize the “factual backup” and explanation of the problem and its potential effect on consumers

Contrary to the Commission’s apparent factual misunderstanding, the 2 Percent Carriers do not provision local exchange services that involve transport responsibility or network functions beyond their own networks within their respective service areas. This fact is in stark contrast to the networks of the Regional Bell Operating Companies (RBOCs). It is particularly disheartening to the Petitioners that the *Order* acknowledges the limitations of the RBOCs “to route calls outside of LATA boundaries,”³⁰ but fails to acknowledge and recognize that the 2 Percent Carriers are physically and technically limited to transport traffic within their exchange boundaries and to points of interconnections at their boundaries.

Unlike the RBOCs that transport traffic throughout a LATA over their established network facilities, the interconnection obligations and technical capabilities of the 2 Percent Carriers are limited to their local exchange networks which are geographically limited by the bounds of their incumbent service territory. Telecommunications services provided to end users which involve transport responsibility to interconnection with the networks of other carriers at points beyond a 2 Percent Carrier’s service area network are provided by toll or IXC, and not by the 2 Percent Carrier.

²⁹ In the Matter of Telephone Number Portability, CC Docket No. 95-116, Order released November 20, 2003 at para. 9.

³⁰ *Order* at n. 75.

The toll carrier or IXC chosen by the end user customer is responsible for the transport and network functions for the transmission of the calls destined to points beyond the network of the 2 Percent Carrier. The toll carrier or IXC “carries” the call to its destination for termination to the called party, generally utilizing the switched interconnection and termination services of the carrier serving the customer on the other end of the call. Accordingly, calls that are originated by customers of 2 Percent Carriers and destined to network interconnection points beyond the network of the 2 Percent Carrier are both “routed” and “rated” by the customer’s chosen toll carrier or IXC which, in fact, is the service provider for such calls. The functional involvement of the 2 Percent Carrier with respect to such calls is limited to the provision of interexchange access services on an equal basis to IXCs that compete to provide interexchange services to the end user.

In the absence of a factually and legally sound determination of these specific network issues, there is no basis to establish a method for routing and billing calls ported outside of the local exchange “in the same fashion as they were prior to the port.” The Commission states, as quoted above, “that today, in the absence of wireline-to-wireless LNP, calls are routed outside of local exchanges and routed and billed correctly.” The statement is true, but in the instance of calls from customers of 2 Percent Carriers to wireless carriers that have failed to establish interconnection with the 2 Percent Carrier, the Commission must recognize the fact that the calls are “routed and billed correctly” by the originating customer’s toll carrier or IXC which charges the originating end user customer for the interexchange service.

The Petitioners are concerned that the *Order’s* disregard for the operational realities set forth above leads the Commission also to disregard the potential effect of the

Order on consumers. As described above, a 2 Percent Carrier does not have the technical ability to transport a call beyond its network boundary. When a number is ported under these circumstances to a wireless carrier, the 2 Percent Carriers are concerned that their end users originating a call to such a number will continue to dial the number as a "local exchange service call." The call will travel from the end user to the switch of the 2 Percent Carrier. The switch will perform a database dip and determine that the destination number is now assigned to a wireless carrier. The switch will look for a trunk to switch the call to, but it will find no trunk because the wireless carrier has not established interconnection. In all likelihood, the customer will either: 1) receive a message that the call cannot be completed as dialed, or 2) the call will be completed as dialed, but will be routed through the originating customer's presubscribed IXC, who will in-turn bill said customer the associated toll charges for transport of the call to the terminating wireless carrier.

As noted by the *Order*, though perhaps not fully understood, "the routing of calls to ported numbers should be no different than if the wireless carrier had assigned the customer a new number rated to that rate center." In the described circumstances, and irrespective of the wireless carrier's unilateral assignment of a "rate center," when the wireless carrier has not established interconnection, the only technical means for the call to move from the originating end user to the wireless network is over the interexchange facilities of the originating customer's long distance provider.

This is the set of circumstances that 2 Percent Carriers have presented to the Commission underscoring their concern for their subscribers. Because these issues have not been addressed, the wireline-to-wireless porting of numbers in the 2 Percent Carrier service areas will either lead to non-completed calls or to toll charges for calls that had

historically been treated as local, and inevitably lead to general customer confusion and dissatisfaction. Because these issues remain unaddressed, the industry, state and federal regulators, and consumers will be subjected to undue burdens while they struggle with the consequences of the implementation of the *Order* in the absence of the requested Stay.

III. The Commission should Stay the Effectiveness of the *Order* on the 2 percent Carriers Until a Myriad of Issues Affecting Those Carriers and their Customers are Addressed and Resolved.

The unresolved matters regarding routing and rating of wireline calls to numbers ported to wireless carriers are not the only unresolved issues raised by the *Order* that demonstrate the existence of good cause to grant the request for Stay of the effectiveness of the *Order* with respect to the 2 Percent Carriers. The Petitioners have identified numerous additional concerns that will undoubtedly be the subject matter of petitions for reconsideration, clarification, and judicial review. For purposes of this request for Stay, the Petitioners respectfully bring one additional matter to the attention of the Commission.

The *Order* assumes Commission jurisdiction over the rates charged by the 2 percent carriers in an inequitable anti-competitive manner and without due process. The concern of the Petitioners regarding the directive in the *Order* addressing the rating of a call to a ported number reaches far beyond the operational and technical feasibility concerns addressed in Section III above. In just twenty-one words, the *Order* revamps jurisdictional regulation, preempts state regulatory authority, and establishes disparate regulatory treatment on the basis of technology in an anti-competitive and unjustly discriminatory manner. The *Order* casually states as a matter of fact that “calls

to the ported number will continue to be rated in the same fashion as they were prior to the port ”³¹ The conclusion is provided as if it is a “natural wonder ” No notice of the issue, no opportunity to comment, no discussion or analysis of the issue much less the offer of a rational basis for the conclusion

This is the first instance known to the Petitioners in which the Commission has directed how a LEC will charge a customer for the provision of telecommunications service that the Commission apparently wants the customer to consider “local exchange service ” In those states where a 2 Percent Carrier is subject to rate regulation with respect to the provision of local exchange services, the relevant regulatory body for such determinations is the State Commission If the Commission is asserting jurisdiction, thereby preempting the State Commission, and mandating the scope of traffic that a LEC must include in its local exchange service offering, the Petitioners respectfully suggest that any such preemption cannot be effective in the absence of appropriate statutory authority and due process ³²

In the alternative, the Commission may more likely have determined, but not offered its reasoning, that the calls from a wireline network to a number ported to a wireless carrier are “CMRS” traffic and, accordingly, not subject to state rate jurisdiction pursuant to Section 332 of the Act The Commission, however, does not rate regulate CMRS traffic On any call from a wireless network to a wireline network, the wireless carrier is free to charge market rates as it determines in its sole discretion Petitioners submit that if a call between two customers of different providers is free from rate regulation when initiated on the network of one provider, it should be free from

31 *Order* at para 28

32 *See*, 5 U S C § 553(b)

regulation when originated on the network of the other provider. Neither the direction of the call nor the characteristics of the technology serving one end of the call compared to the other provides a basis to provide less than equal protection to both carriers. Pending reconsideration, clarification, or judicial review of this matter, good cause exists to grant the Stay requested by the Petitioners in order to avoid irreparable competitive harm.³³

IV. CONCLUSION

Petitioners have demonstrated that good cause exists for the grant of a stay of the *Order*. A stay is needed to prevent unwarranted disruption and harm to the 2 Percent Carriers operating in rural areas and to their customers. The *Order* recognizes that a transition is needed for these carriers but subjects them on short notice to ill-defined, novel and conflicting obligations. The *Order* fails to ensure that wireline-to-wireless LNP can be achieved in rural areas without imposing adverse impacts on users of telecommunications services and undue economic burdens on 2 Percent Carriers. Despite the *Order's* conclusions to the contrary, the facts demonstrate that it is not technically feasible for the 2 Percent Carriers to comply with the November 24 deadline and that these carriers will be subject to potential enforcement actions unless a stay is granted.

³³ Several 2 Percent Carriers report that wireless carriers have demanded that wireline calls to wireless networks must be "rated" as local calls on the basis of an assertion by the wireless carriers that "parity" dictates the result they desire. Petitioners note the irony of the unsustainable claim of "parity" by the wireless carriers. Parity would require equal regulatory treatment of both the wireline and the wireless carriers with respect to the regulation or forbearance of rate regulation of the traffic they exchange.

pending clarification and/or reconsideration of the *Order*. Consequently, petitioners request that the Commission stay the application of the *Order* with respect to the 2 Percent Carriers until it has reconsidered and clarified its application to these carriers.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Rita H Bolden, certify that a copy of the foregoing Emergency Joint Petition for Partial Stay And Clarification, filed on behalf of the Independent Telephone and Telecommunications Alliance, the National Telecommunications Cooperative Association, and the Organization For The Promotion And Advancement Of Small Telecommunications Companies, in CC Docket No 95-116 was served on this 21st day of November 2003 by first-class, U S Mail, postage prepaid, to the following persons

/s/ Rita H Bolden

Rita H. Bolden

Chairman Michael Powell
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dislocating regulatory requirements which will have significant adverse economic impacts, particularly upon the small business members associated with these Petitioners. This Intermodal Portability Action is effective immediately in the largest 100 markets across the nation and, pertinent to this Motion, will be implemented nationwide for all wireline carriers on May 24, 2004. *Id.* Petitioners and the members they represent operate predominantly in these smaller markets and thus, are subject to the May 24, 2004 deadline.

This Action will cause irreparable harm to Petitioners' rural wireline exchange carriers as they begin expending copious amounts of time and money developing infrastructure and procedures in order to come into compliance with the Action by May 24, 2004. Specifically, the Petitioners would immediately incur a variety of costs including those associated with: changing and upgrading complex software and equipment; training customer service representatives and other employees on the technical and logistical processes and procedures for implementing number portability; identifying, verifying and responding to "bona fide requests for number portability"²; recurring monthly charges associated with subscribing to a

² The Commission's wireless line number portability ("LNP") rules mandated that, by November 24, 2003, wireline carriers operating within the top 100 Metropolitan Statistical Areas ("MSA") must be capable of honoring a *bona fide* request for portability from a wireless carrier. Outside of the 100 largest MSAs, landline carriers that receive a *bona fide* request for wireless LNP must be capable of doing so by May 24, 2004. FCC rules further stipulated that a local exchange carrier ("LEC") must port number to any requesting wireless carrier whose service coverage area overlaps the geographic location of the rate center in which the customer's wireline number is provisioned.

Contrary to the guidance of advocates for rural LECs, wireless carriers requesting LNP were not required to have interconnection agreements with the affected landline carrier or numbering resources within the ported customer's original rate center in order for their requests for LNP to be considered *bona fide*. Ultimately, this means that wireline telecommunications carriers must be prepared to port telephone numbers to wireless carriers, whose interconnection facilities may well be located outside of the rural LEC's actual service

specialized database; and the transport of ported “local” calls that must travel through an extra tandem switch that falls midway between the calls’ endpoint in order to be completed (the cost of which appears to have fallen completely on the shoulders of local exchange carriers).

Excluding recurring administrative costs, number portability implementation will cost these small companies tens of thousands of dollars each. Furthermore, there is certain to be customer confusion related to possible dropped calls or unexpected toll charges on customers’ bills caused by the FCC’s failure to fully consider and resolve implementation issues for small carriers. Finally, because much work and money must be expended immediately in order to come into compliance by May 24, 2004, if Petitioners prevail after May 24, 2004, the end users will be paying for the LNP upgrades, but they will not have LNP.

Given these impending (if not immediate) costs to rural LEC and their customers, logistical burdens, and other requirements, the Petitioners respectfully request that this Court grant their Emergency Motion for Expedited Review of their Petition for Review pursuant to D.C. Cir. R. 27(f) as soon as possible and prior to the following proposed date for submittal of Petitioners’ brief (February 16, 2004). Petitioners request that this Court implement a case management schedule which would allow a decision to be issued prior to the May 24, 2004 Action implementation deadline. Specifically, Petitioners would propose the following

(“Continued”)

area. Additionally, while the FCC’s rules require wireline-to-wireless LNP, they do little to address the technical and policy challenges that largely prevent porting in the other direction. As a result, LECs must honor requests to “give up” customers via LNP, while there is no mechanism to create a competitively neutral marketplace where they might be able to win customers from their wireless competitors.

³ Petitioners purposefully sought to obtain the record on the same day as the other petitioners in the now consolidated cases so that both sets of petitioners would be on the same schedule and there would not be a delay in proceedings

schedule: The Respondent FCC has agreed to provide the record to these Petitioners on January 15, 2004, the date on which it will be provided to the petitioners in Consolidated Case No. 03-1414.³ Petitioners' brief would be due thirty days later, on February 16, 2004, with Respondents' brief to follow on March 16, 2004. Petitioners' reply would be due on March 30, 2004 and if the parties elect to submit deferred appendices, a final brief due on April 6, 2004. This schedule should allow for the Court to examine this issue well before May 24, 2004.

Pursuant to D.C. Cir. R. 27(f), Petitioners' counsel has contacted Respondents' counsel as well Intervenor's counsel to determine whether they would be amenable to an expedited briefing schedule.⁴ Even though Respondents would be afforded the same amount of time to respond as with a regular briefing schedule, Respondents' counsel did not agree to an expedited schedule and indicated they would oppose Petitioners' motion. With regard to the petitioners in Case No. 03-1414 with which this case has been consolidated, United Telecom Association and CenturyTel, Inc., their counsel stated that United Telecom Association and CenturyTel, Inc., support the relief Petitioners are requesting. Petitioners' counsel also contacted the Intervenor's counsel in Case No. 03-1414. We understand these Intervenor's support the FCC's Action at issue herein. Counsel for Intervenor Cellular Telecommunications & Internet Association and Counsel for Intervenor T-Mobile USA, Inc stated that they oppose Petitioners' motion. Counsel for Intervenor Sprint Corporation stated

⁴ Petitioners' instant motion has been somewhat delayed in substantial part due to Petitioners' attempts to negotiate with various interested parties in a proposed case management schedule that would be suitable to most, if not all, involved.

that Sprint Corporation declined to join in this filing. Counsel for Intervenor National Association of Regulatory Utility Commissioners has not responded.

For the foregoing reasons, Petitioners respectfully request that this Court grant Petitioners' motion to expedite these proceedings.

Dated: January 14, 2004

Respectfully submitted,

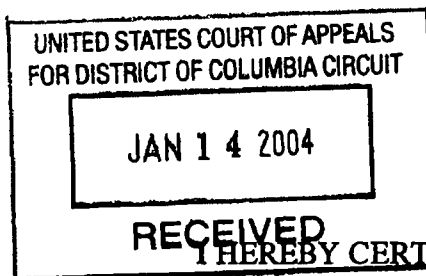
A handwritten signature in black ink, appearing to read 'D. Frulla', is written over a horizontal line.

David E. Frulla (D.C. Bar No. 414170)
Brand & Frulla, P.C.
923 Fifteenth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 662-9700
Facsimile: (202) 737-7565

Counsel for Petitioners

L. Marie Guillory (D.C. Bar No. 227629)
Jill Canfield (D.C. Bar No. 457509)
National Telecommunications Cooperative
Association
4121 Wilson Blvd., Tenth Floor
Arlington, VA 22203-1801
Telephone: (703) 351-2021
Facsimile: (703) 351-2027

*Co-Counsel for National Telecommunications
Cooperative Association*



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 14th day of January, 2004, a true and correct copy of
Petitioners' Emergency Motion for Expedited Review has been served via hand delivery, upon
the following individuals:

FEDERAL COMMUNICATIONS COMMISSION:

John A. Rogovin
John E. Ingle
Joel Marcus
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

UNITED STATES OF AMERICA:

Catherine G. O'Sullivan
Andrea Limmer
United States Department of Justice
Antitrust Division - Appellate Section, Rm 10535
Patrick Henry Building
601 D Street, N.W.
Washington, D.C. 20530

UNITED STATES TELECOM ASSOCIATION and CENTURYTEL, INC.

Michael K. Kellogg
Aaron M. Panner
Kellogg, Huber, Hansen, Todd & Evans, P.L.L.C.
Sumner Square
1615 M. Street, N.W.
Suite 400
Washington, D.C. 20036-3209

CELLULAR TELECOMMUNICATIONS & INTERNET ASSOCIATION:

Michael F. Altschul
Cellular Telecommunications & Internet Association
1250 Connecticut Avenue, N.W.
Suite 800
Washington, D.C. 20036

Theodore C. Whitehouse
David M. Don
Willkie, Farr & Gallagher LLP
1875 K Street, N.W.
Washington, D.C. 20006-1238

T-MOBILE USA, INC.:

Robert J. Aamoth
Kelley Drye & Warren LLP
1200 Nineteenth Street, N.W.
Suite 500
Washington, D.C. 20036-2423

SPRINT CORPORATION:

Luisa L. Lancetti
Sprint Corporation
401 9th Street, N.W.
Suite 400
Washington, D.C. 20005

NATIONAL ASSOCIATION OF REGULATORY UTILITY COMMISSIONERS:

James Bradford Ramsay
NARUC
1101 Vermont Avenue, N.W.
Suite 200
Washington, D.C. 20005



David E. Frulla

FOR IMMEDIATE RELEASE
November 19, 2003

Contacts Donna L. Taylor-NTCA
703-351-2086
Martha Silver – OPASTCO
202-659-5990

NTCA AND OPASTCO TELL CONGRESS VAGUE LNP RULES PUT RURAL CONSUMERS AND COMPANIES AT RISK

Pro-Consumer Order Could Cost Consumers More Money AND Their Existing Phone Numbers If LNP Rules Aren't Clarified

WASHINGTON – In a letter sent today to Congress, the National Telecommunications Cooperative Association (NTCA) and the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) urged the postponement of the Federal Communications Commission's (FCC) local number portability (LNP) order for rural carriers, until the FCC can clarify critical issues including transport costs, competitive neutrality and rules governing rural carriers who have a fraction of their networks physically located within the top 100 metropolitan statistical areas (MSAs)

In the letter, the associations explained the far-reaching consequences the order will have for rural consumers and telephone companies. "The Commission's rush to implement this order without adequate carrier guidance will in all likelihood lead consumers to experience dropped calls and long-distance charges for calls to ported numbers that were previously local, and carriers to lose intercarrier compensation revenues as well," stated the letter signed by NTCA CEO Michael Brunner and OPASTCO President John Rose.

A copy of the letter is attached

###

About NTCA

NTCA is the premier association representing more than 550 locally owned and controlled telecommunications cooperatives throughout rural and small-town America. NTCA provides its members with legislative, regulatory, and industry representation, meetings, publications, and educational programs, and an array of employee benefit programs. Visit us at <http://www.ntca.org>

About OPASTCO

The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) represents more than 500 small, independently owned, local telecommunications companies serving primarily rural areas of the United States and Canada. OPASTCO

Attachment to Response # 1
to TRA's Data Request dated January
14, 2004
Docket No. 03-00633

NTCA/OPASTCO Joint Letter to Congress/2-2-2

membership includes both commercial companies and cooperatives, which range in size from fewer than 100 to 100,000 access lines, and collectively serve more than 26 million customers. OPASTCO represents rural telecommunications interests before federal regulatory bodies and Congress, provides publications, and holds two conventions annually in January and July of each year, addressing the needs of the small telecommunications industry. The association has an affiliate 501(c)(3) nonprofit, the Foundation for Rural Education and Development (FRED). Visit the OPASTCO Web site at www.opastco.org

NTCA

OPASTCO

November 19, 2003

RE FCC's Wireline to Wireless Local Number Portability (LNP) Order

Dear Senator/Representative

On behalf of the nation's hundreds of small rural incumbent local exchange carriers (ILECs), and their several million rural consumers that are represented by our associations, we urge Congress to take immediate action to postpone all aspects of the implementation of the Federal Communications Commission's (FCC's) November 7, 2003, local number portability (LNP) order as it applies to such carriers. The ramifications of this order could have significant negative consequences for rural consumers and companies alike.

Indeed, in the past few weeks the FCC has adopted two far-reaching orders to "provide guidance" on the subject of porting telephone numbers to wireless carriers. Unfortunately, the orders are largely devoid of real direction and in reality amount to yet another in a long series of mandates with adverse consumer implications the Commission has grown fond of imposing on the ILEC industry.

In the FCC's November 7, 2003 wireline to wireless porting order (FCC 03-284), the Commission believes it has provided small rural ILECs with an adequate temporary exemption from fully complying with the order until May 24, 2004, if their study area falls entirely outside the scope of the nation's 100 largest metropolitan statistical areas (MSAs). Regrettably, the fallacy of this idea is three-fold. First, a significant number of rural carriers' study areas fall, in part, within these 100 MSAs, and thus those carriers would be required to comply fully with the order in just a few days – on November 24. Second, the agency has created a situation that is far from competitively neutral. The Commission's rules force rural ILECs to port to wireless carriers, even though subscribers of the wireless carriers will be unable to port their numbers to the ILECs. Finally, the agency has not at all adequately explained how small rural carriers will get paid for transporting calls to new service providers with whom they have no compensation or interconnection arrangements. The Commission's rush to implement this order without adequate carrier guidance will in all likelihood lead consumers to experience dropped calls and long distance charges for calls to ported numbers that were previously local, and carriers to lose intercarrier compensation revenues as well.

In these uncertain economic and regulatory times, the nation's small rural ILECs can ill afford the additional uncertainty with which this FCC order burdens them. Truly, the implications of this order, if not addressed in a more thorough manner, are far-reaching and harmful. Therefore, we believe it is imperative that Congress take action prior to its adjournment to postpone the application of FCC 03-284 upon small rural ILECs regardless of whether or not a portion of their study area falls within one or more of the nation's 100 largest MSAs. The FCC should take the time to appropriately address the technological and economic issues associated with the implementation of this order as it relates to such carriers.

Sincerely,

Michael E. Brunner
CEO, NTCA

John N. Rose
President, OPASTCO

FOR IMMEDIATE RELEASE
January 16, 2004

Contact: Brenda Cordwell, OPASTCO,
202/659-5990, bjc@opastco.org
Aaryn Slafky, NTCA, 703-351-2087,
aslafky@ntca.org
David Zesiger, ITTA, 202-775-8116

OPASTCO, NTCA & ITTA RESPOND TO FCC LOCAL NUMBER PORTABILITY RULING

In response to today's Federal Communications Commission (FCC) order (CC Docket No. 95-116) granting a limited waiver of the wireless-to-wireline porting requirements for two-percent carriers, the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO), the National Telecommunications Cooperative Association (NTCA), and the Independent Telephone and Telecommunications Alliance (ITTA) issued the following statement:

"We applaud the FCC for responding to our petition and granting small carriers at least partial relief. However, this does not negate the issues raised in the court appeal filed by NTCA and OPASTCO. Numerous LNP implementation issues must still be addressed before customers in rural areas can realize the full benefits of wireless LNP. These issues include the necessary technological upgrades, cost recovery and transport of traffic. Furthermore, the associations continue to believe that the Commission failed to take into account the substantial burden placed on small businesses by its wireline-to-wireless LNP order. We believe the transition to a wireless LNP environment would go smoother if the FCC re-evaluated its rules, specifically taking into account the operational realities of small, rural carriers."

###

About OPASTCO:

The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) represents more than 500 small, independently owned, local telecommunications companies serving primarily rural areas of the United States and Canada. OPASTCO membership includes both commercial companies and cooperatives, which range in size from fewer than 100 to 100,000 access lines, and collectively serve more than 2.6 million customers. OPASTCO represents rural telecommunications interests before federal regulatory bodies and Congress, provides publications, and holds two conventions annually in January and July of each year, addressing the needs of the small telecommunications industry. The association has an affiliate 501(c)(3) nonprofit, the Foundation for Rural Education and Development (FRED). Visit the OPASTCO Web site at www.opastco.org.

About NTCA:

NTCA is the premier association representing more than 550 locally owned and controlled telecommunications cooperatives throughout rural and small-town America.

Response to FCC LNP Ruling/2-2-2

NTCA provides its members with legislative, regulatory, and industry representation, meetings, publications, and educational programs; and an array of employee benefit programs. Visit us at <http://www.ntca.org>

About ITTA:

The Independent Telephone and Telecommunications Alliance is an alliance of 13 midsize telephone companies formed in 1994 to represent its members before federal telecommunications policymakers. ITTA members currently operate in 40 states and serve approximately ten million local customers.

Twin Lakes Telephone Cooperative Corporation
Response to Data Requests of January 14, 2004

Question 1: Has the company previously petitioned the FCC or the TRA requesting an extension of time, or a modification of the FCC's rules regarding number portability? If so, a copy of each company's filings should be provided with the response.

Answer: No

Twin Lakes Telephone Cooperative Corporation
Response to Data Requests of January 14, 2004

Question 2: Identify, by company, the switch designation(s), and exchange(s), for which the petition of suspension of the FCC's rules is being sought.

Answer: These are the switch designation(s), and exchange(s), for which the petition of suspension of the FCC's rules is being sought
They are Gainesboro – Siemens
DCO, Gainesboro – Nortel DMS 100; Celina – Siemens
DCO; Moss – Siemens DCO, Cookeville South – Siemens
DCO, Baxter – Siemens DCO, Livingston Siemens
EWSD, and, Jamestown – Nortel DMS 100.

GNBOTNXADSO	NRSPTNXARSO	931-621
	GRVITNXARSO	931-653
	HGLDTNXARSO	931-678
	CHMNTNXARSO	615-897
GNBOTNXADS1		931-268, 405
CELNTNXADSO		931-243
MOSSTNXADSO		931-258
CKVLTNXBDSO		931-432
BXTRTNXADSO		931-858, 476
LVTNTNXADS1		931-823, 403, 397
	CRFRTNTXARSO	931-445
	BYTWTNXARSO	931-864
	RKMNTNXARSO	931-498
JMTWTNXADS1		931-879, 752
	CLRKTNXARSO	931-863

Twin Lakes Telephone Cooperative Corporation
Response to Data Requests of January 14, 2004

Question 3: Identify and describe the specific equipment, software, programming or other technical issues that make number portability technically infeasible for each company.

Answer: Technically infeasible is not the problem. The problem is economics.

Twin Lakes Telephone Cooperative Corporation
Response to Data Requests of January 14, 2004

Question 4: For each piece of equipment and/or software item that is required, identify the costs to each company to purchase, install and test each item necessary for the implementation of local number portability capability.

Answer: The two Nortel Switches will need software additions
(areas served 931-268, 405, 879, 752, 863)

Nortel Purchase Cost and installation	\$ 134,080 00
Training & Startup	\$ 7,000.00

The five Siemens DCO switches would require upgrades to release 23
(areas served. 931-621,678,653,476,858,432 and 615-897)

Siemens Purchase Cost and installation	\$ 241,684 00
(Package 640000,003181,241870,640000)	\$ 119,000 00
Training & Startup	\$ 10,000 00

The Siemens EWSD Switch would require an upgrade to Release 20 make
them LNP ready
(areas served 931-823,397,403,498,445 and 864)

Siemens Purchase Cost and Installation	\$ 176,619 00
Training & Startup	\$ 7,000 00

Twin Lakes Telephone Cooperative Corporation
Response to Data Requests of January 14, 2004

Question 5: Identify the costs of each company, if any, of any contract(s) that must be entered into to participate in number portability. (Any costs or contract(s) considered required should not include interconnection agreements.)

Answer: Unknown at this time

Twin Lakes Telephone Cooperative Corporation
Response to Data Requests of January 14, 2004

Question 6: Identify any administrative function(s) change(s), internal and external to the company, and the costs incurred to implement the change(s). (Administrative changes would include additional personnel, office equipment and etc.)

Answer: An extra cost to the company would be from CommSoft, our software system. They estimate an extra \$20,000.00 to set up for the LNP.

Twin Lakes Telephone Cooperative Corporation
Response to Data Requests of January 14, 2004

Question 7: Identify each company's total cost to implement local number portability.

Answer: \$695,383 00 (this is a get – started cost, not total cost See Question #4)
Do not have a figure on total cost at this time.

Twin Lakes Telephone Cooperative Corporation
Response to Data Requests of January 14, 2004

Question 8: Provide the number of access lines each company has in service.

Answer: No of access lines: 38,011

Twin Lakes Telephone Cooperative Corporation
Response to Data Requests of January 14, 2004

Question 9: Identify, by company, if the FCC authorized local number portability charge, as a regular monthly charge, is being imposed? If a LNP charge is being imposed by any company, how much is the monthly charge and when did the charge begin to show on customer's billing invoices for each company?

Answer: Not at this time

Twin Lakes Telephone Cooperative Corporation
Response to Data Requests of January 14, 2004

Question 10: Identify, by company, if there have been any previous requests from CLECs or Wireless Service Providers for number portability? Provide copies of those requests with the response.

Answer: AT&T, Cingular, Sprint, Verizon (copies enclosed)

Twin Lakes Telephone Cooperative Corporation
Response to Data Requests of January 14, 2004

Question 11: Identify, by company, if the company can, or does, provide remote call forwarding, or like service features, as a subscription feature available to its consumers?

Answer: Not at this time.



November 21, 2003

Sam Anderson
Twin Lakes Telephone Coop
Gainesboro, TN 38562

NOV 26 2003

cc R maby
J Kuykendall

Dear Sam Anderson,

AT&T Wireless Services, Inc. is requesting provisioning of portability with your company for end users outside the Top 100 MSAs by May 24th, 2004 in accordance with the FCC's Wireless Number Portability Orders.

Enclosed is a Bona Fide Request form with a list of markets *outside the Top 100 MSAs* in which AT&T Wireless Services, Inc. is requesting portability by May 24th, 2004. Please indicate on the form whether each of your switches in the markets on this list in which you operate is LNP capable. If a switch is not currently LNP-capable, pursuant to the FCC's rules and requirements and this Bona Fide Request, you must ensure that your switches in the markets on this list are LNP capable by May 24, 2004.

We request that you complete the attached form and return to the undersigned by December 4th, 2003.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Suzy Nieman

Manager, Carrier Relations
Phone: (425) 580 0845
Fax: (425) 580 8609
Suzanne.nieman@attws.com

Attachment to Response # 10
to TRA's Data Request dated
January 14, 2004
Docket No. 03-00633

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

January 28, 2004

Suzy Nieman
Manager, Carrier Relations
AT&T Wireless
7277 164th Ave. NE
Redmond, Washington 98052

Dear Ms Nieman:

We have been asked by our client, Twin Lakes Telephone Cooperative ("Twin Lakes") to respond to your letter requesting the deployment of number portability in specific switch locations.¹ Twin Lakes is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where AT&T Wireless' coverage overlaps each of the rate centers owned and controlled by Twin Lakes as specified in the AT&T Wireless request. In this regard, please note that Twin Lakes has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines.²

Twin Lakes is aware that the coverage area of AT&T Wireless is not coextensive with its telephone service areas³ and, in fact, is extremely limited. Inasmuch as the FCC has specified that the obligation of a local exchange carrier's obligation to port to a wireless carrier is defined as the area "where the requesting wireless carrier's 'coverage area' overlaps the geographic location of the rate center in which the customer's wireline number is provisioned,"⁴ Twin Lakes requests specific identification of those areas where AT&T Wireless believes that coverage areas overlap. To the extent that AT&T Wireless plans service extension, Twin Lakes is, of course, prepared to entertain future, additional requests for portability deployment.

¹ While your letter indicates an attachment of a form that you request Twin Lakes to complete, no such form was attached. Please transmit the form at your convenience to Robert Dudney at Twin Lakes and to me at the address provided above. We will review the form and respond as appropriate.

² Twin Lakes is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.

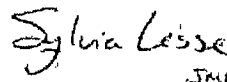
³ A search performed on AT&T's web page using zip codes to identify service areas reveals that for several of the communities served by Twin Lakes, Byrdstown (38549), Celina (39551), Clarkrange (38553), Crawford (38554), Gainesboro (38562), Granville (38564), Jamestown (38556), and Moss (38575), "AT&T Wireless services does not provide coverage" in these areas. See Attachment, copy of North Central's service area and copy of AT&T Wireless web page search results.

⁴ *In the Matter of Telephone Number Portability, CTIA Petition for Declaratory Ruling on Wireline-Wireless Porting Issues, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, FCC 03-284, para. 22 (rel. Nov. 10, 2003).

Ms. Suzy Nicman
January 28, 2004
Page 2

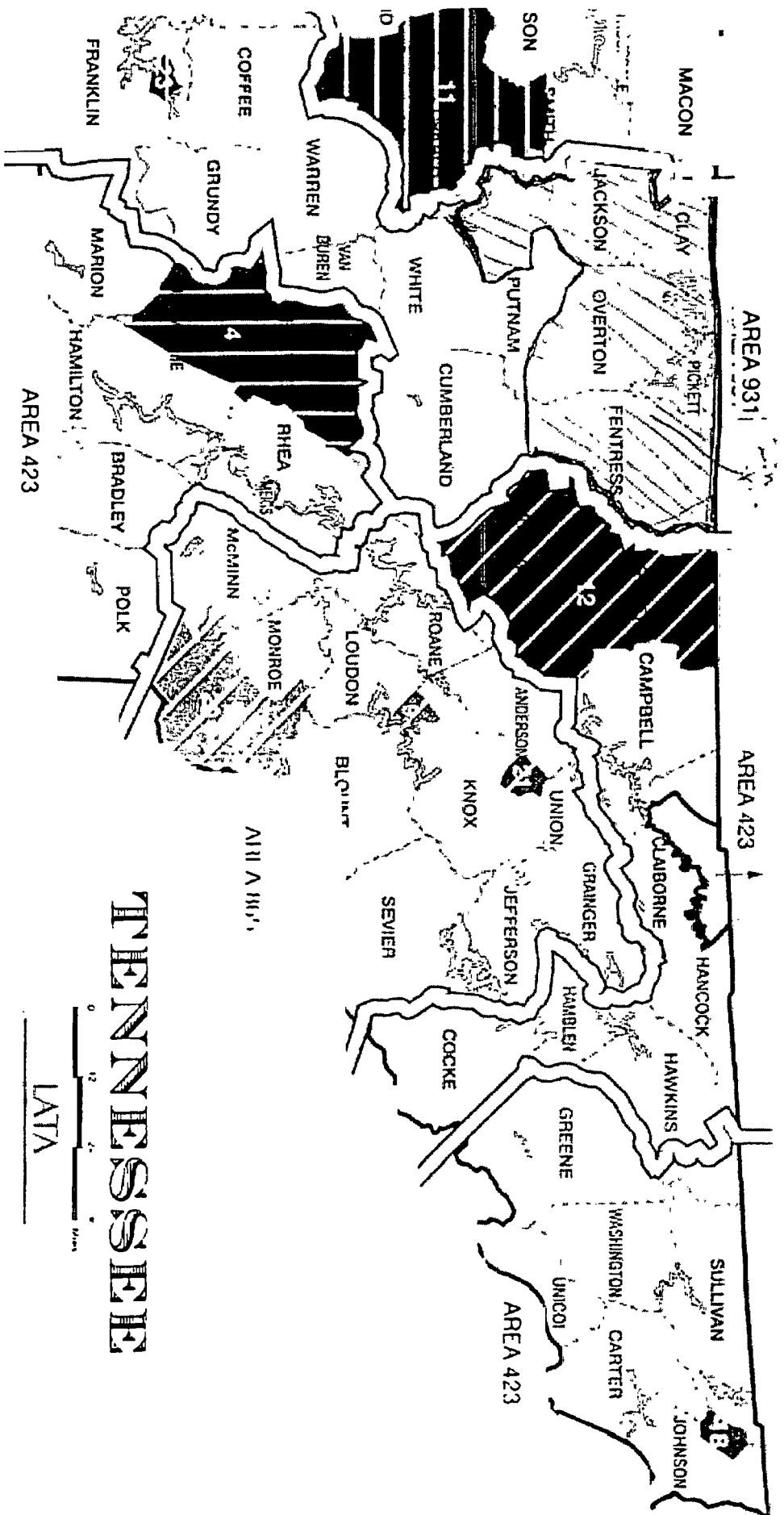
We look forward to receipt of the requested responses.

Very truly yours,


Sylvia Lesse *JML*

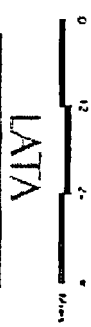
cc: Robert D. Dudley

Attachment



Sprint
 Tellico Telephone Company, Inc. (B)
 Tennessee Telephone Company (B)
 Twin Lakes Telephone Cooperative Corporation
 United Telephone Company
 West Kentucky Rural Telephone Cooperative Corporation, Inc.
 West Tennessee Telephone Company, Inc. (C)
 Yorkville Telephone Cooperative, Inc.

TENNESSEE



LATA



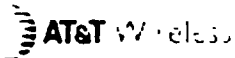
Chattanooga
Knoxville
Memphis
Nashville
Sprint
Other

2002

TTA

Tennessee
 Telecommunications
 Association

228 CAPITOL BUILDING SUITE 217



our biggest store

AT&T Wireless services does not provide coverage in your area. We are aggressively expanding into new areas throughout the country, so please be sure to check back in the future. Please check your zip code for accuracy and re-enter if necessary.

new shoppers

Please enter the zip code of the area where you plan to use your phone this month.

ZIP CODE:

How many new lines are you shopping for today?

- ☒ 1 phone line
☐ 2 or more phone lines

☐ I want to open my account to AT&T Wireless.
(If yes, we'll get your account info & activate.)

existing AT&T Wireless customers

To add a new phone line or more minutes on your existing account, select one of the options below.

- ☐ Add new phone line(s)
☐ Secure my existing minutes

Or, fill in AT&T Wireless number:

Current ZIP CODE:

☐ I want to bring numbers to my AT&T Wireless account.
(If yes, we'll get your account info & activate.)

Want to update your current phone



December 2, 2003

Urgent Attention Required

Twin Lakes Telephone Coop.
Robert Dudney
201 W. Gore Ave.
Gainsboro, TN 38562

Dear Robert:

Cingular Wireless LLC, on behalf of its wireless subsidiaries and affiliates ("Cingular"), is requesting the provisioning of portability with your company and subsidiaries and affiliates ("Company") for end users within the Top 100 MSAs effective November 24, 2003 and in markets outside the Top 100 MSAs by May 24, 2004 in accordance with the FCC's Wireless Number Portability Orders.

Enclosed are Cingular's documents to facilitate the negotiation and porting process between Cingular and your Company:

1. Trading Partner Profile
2. Bona Fide Request (BFR)

The FCC's recent Order dated November 7, 2003 requires wireline/wireless carriers to port with each other with or without an agreement. The FCC indicates that absent an agreement, carriers need only share basic contact and technical information sufficient to perform the port. The Trading Partner Profile (Enclosure 1) contains Cingular's company codes, port center and technical contacts, basic porting information and operating procedures. Cingular requests you to provide basic technical and operation contact information from your Company so we can enter it into our IT porting processes and provide to port support personnel. Exchanging such information is needed to facilitate porting and resolve conflicts with the porting process.

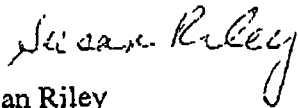
If your Company wishes to negotiate an agreement, please let me know and I will send our generic industry standard SLA.

Attachment to Response # 10
to TRA's Data Request dated
January 14, 2004
Docket No. 03-00633

Cingular has received requests and will be porting capable in its service areas within the Top 100 markets by 11/24/03 and outside the Top 100 by 5/24/04. Cingular is requesting your Company to provide portability in the switches identified in the BFR (Enclosure 2). If your Company has not received a BFR for a specific market, Cingular is requesting that you identify the market and provide a list of these respective switches. We request that you complete the attached form and return it to the undersigned contact for Cingular within 10 days of receipt.

Thank you for your prompt attention and providing the Trading Partner Profile and other requested information. If you have any questions, please don't hesitate to call.

Sincerely,



Susan Riley
Sr. Interconnection Manager
Supply Chain Management
5565 Glenridge Connector, Suite 1520
Atlanta, GA 30342
Phone: (404) 236-6902
Fax: (404) 236-6093
Email: susan.riley@cingular.com

Enclosures

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N W , Suite 520
Washington, D C 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

January 28, 2004

Susan Riley
Sr. Interconnection Manager
Supply Chain Management
Cingular Wireless
5565 Glenridge Connector, Suite 1520
Atlanta, Georgia 30342

Dear Ms Riley:

We have been asked by our client, Twin Lakes Telephone Cooperative ("Twin Lakes") to respond to your letter requesting the deployment of number portability in specific switch locations. Twin Lakes is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where Cingular Wireless' coverage overlaps each of the rate centers owned and controlled by Twin Lakes as specified in the Cingular Wireless request.¹ In this regard, please note that Twin Lakes has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines.²

Twin Lakes is aware that the coverage area of Cingular Wireless is not coextensive with its telephone service areas (see Attachment, copy of Cingular Wireless' coverage area depicted on Cingular Wireless' web page and copy of Twin Lakes' service area) and, in fact, is extremely limited. Inasmuch as the FCC has specified that the obligation of a local exchange carrier's obligation to port to a wireless carrier is defined as the area "where the requesting wireless carrier's 'coverage area' overlaps the geographic location of the rate center in which the customer's wireline number is provisioned,"³ Twin Lakes requests specific identification of those areas where Cingular Wireless believes that coverage areas overlap. To the extent that Cingular Wireless plans service extension, Twin Lakes is, of course, prepared to entertain future, additional requests for portability deployment.

¹ Pursuant to Section 52.23(b)(2)(iii) of the Commission's Rules (47 C.F.R. § 52.23(b)(2)(iii)) Twin Lakes notifies Cingular that the list of switches (and their respective CII designation) specified in the correspondence are correct.

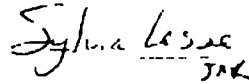
Twin Lakes is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.

³ *In the Matter of Telephone Number Portability, CTIA Petition for Declaratory Ruling on Wireline-Wireless Porting Issues, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, FCC 03-284, para. 22 (rel. Nov. 10, 2003).

Ms. Riley
January 28, 2004
Page Two

We look forward to receipt of the requested responses

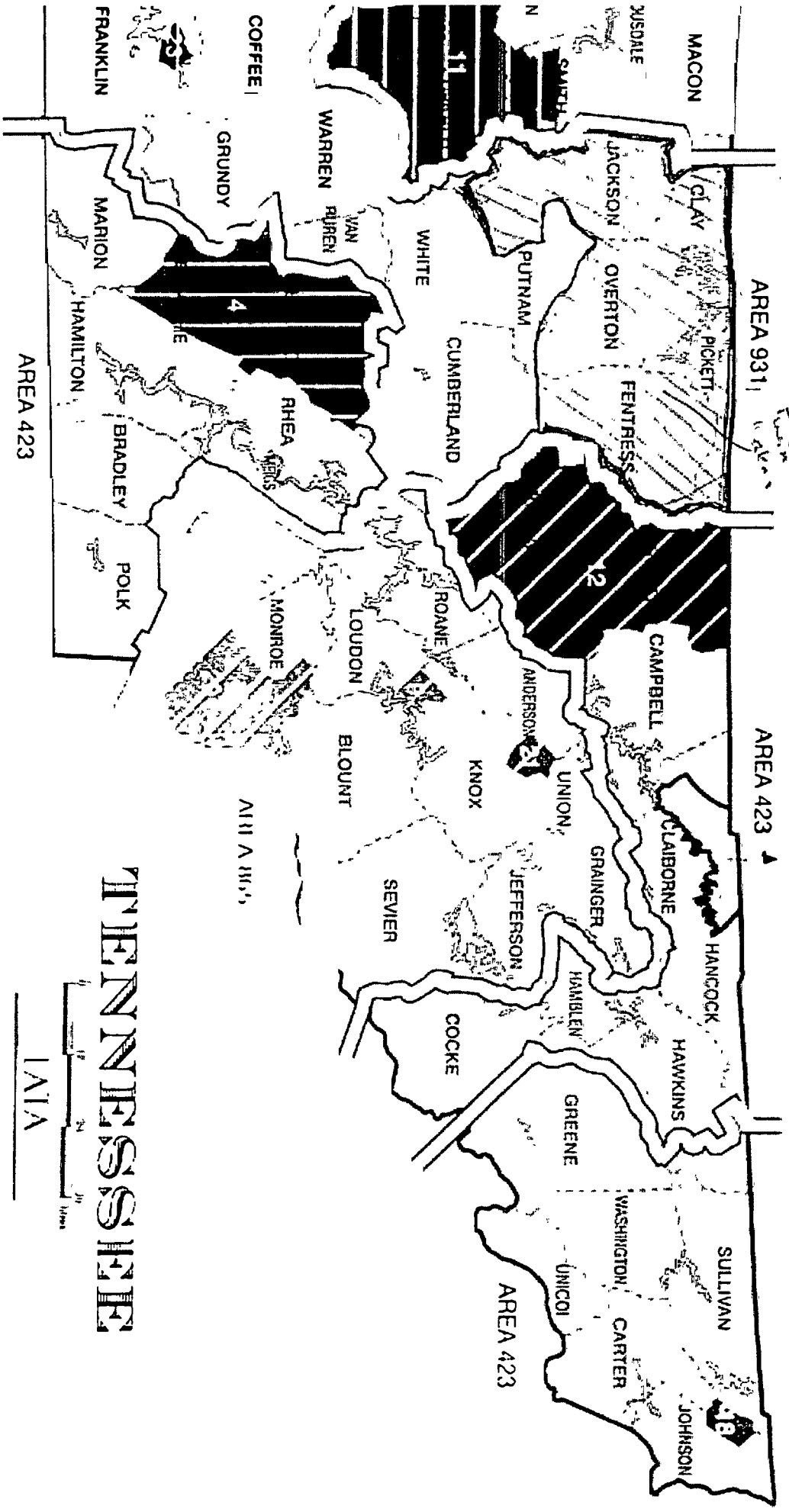
Very truly yours,

A handwritten signature in cursive script, appearing to read "Sylvia Lesse". The signature is written in dark ink and is positioned above the printed name.

Sylvia Lesse

cc: Robert D. Dudley

Attachment



TENNESSEE IANA

- 21 Sprint
- 21 Tellico Telephone Company, Inc. (B)
- 21 Tennessee Telephone Company (B)
- 21 Twin Lakes Telephone Cooperative Corporation
- 21 United Telephones Company
- 21 West Kentucky Rural Telephone Cooperative Corporation, Inc
- 21 West Tennessee Telephone Company, Inc. (C)
- 21 Yorkville Telephone Cooperative, Inc.

Chattanooga

Knoxville

Memphis

Nashville

Sprint

Other

2002

TTA

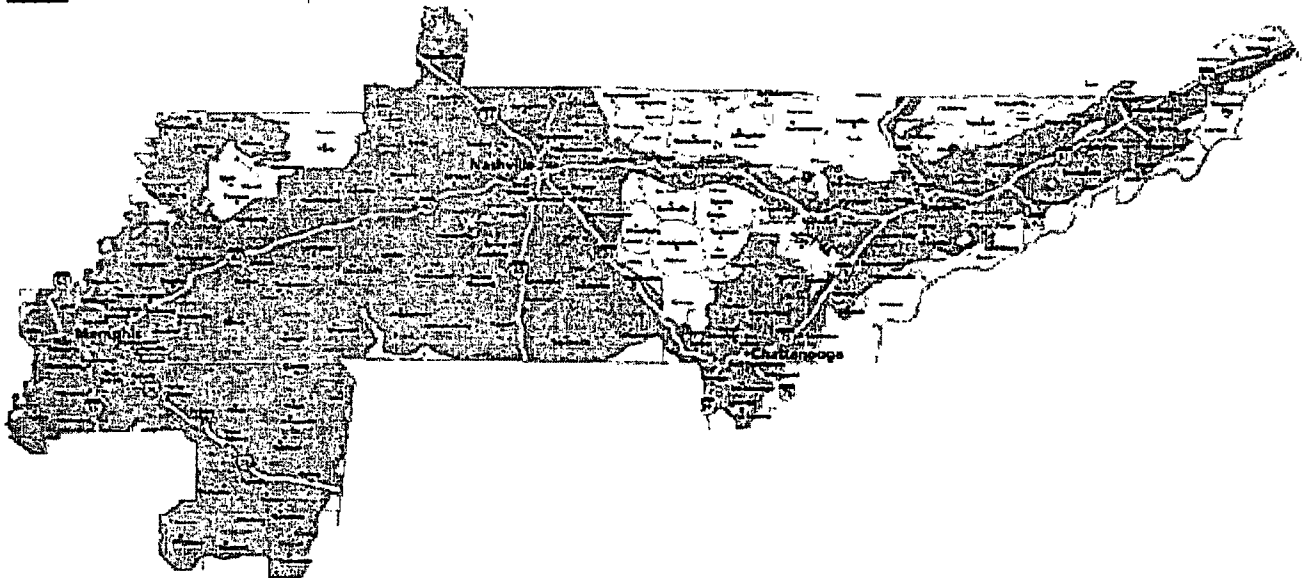
Tennessee Telecommunications Association

Cingular Home Plans with depicted calling area require a GSM handset.

Cingular Tennessee Home Calling Area

- Anytime Minutes apply
- Night and Weekend Minutes apply.
- Mobile to Mobile Minutes apply
- Outside the Tennessee Home Calling Area, roaming rates are 79¢ per minute, which includes long distance (call delivery charge of 20¢ per minute may apply)

No Service Area



Map depicts an approximation of outdoor coverage. Map may include areas served by unaffiliated carriers, and may depict their licensed area rather than an approximation of the coverage there. Actual coverage area may differ substantially from map graphics, and coverage may be affected by such things as terrain, weather, foliage, buildings and other construction, signal strength, customer equipment and other factors. Cingular does not guarantee coverage. Charges will be based on the location of the site receiving and transmitting the call, not the location of the subscriber. Future Coverage, if depicted above, is based on current planning assumptions, but is subject to change and may not be relied upon.

1/04



AUG 23 2003

August 25, 2003

SAM ANDERSON
TWIN LAKES TELEPHONE COOPERATIVE CORP.
201 W. GORE AVE
GAINESBORO, TN 38562

Dear SAM,

In July, 2002, the FCC mandated that all carriers in the top one hundred (100) Metropolitan Statistical Areas (or MSAs) implement Wireless Local Number Portability (WLNP) by November 24, 2003. Pursuant to this FCC mandate, Sprint PCS (SPCS) has identified you as a potential Trading Partner. As such, SPCS would like to exchange the necessary information to allow porting to be tested and placed into production between us on November 24, 2003. In addition, SPCS is willing to negotiate an Operating Agreement with you as a means of finalizing a mutually acceptable porting arrangement on a separate schedule and through a different mechanism.

The enclosure contains SPCS's contact and connectivity information needed to initiate porting. SPCS requests that you provide your contact and connectivity information and return same within ten (10) business days. Please return to *Peter Jacklin* or *Hal Weintrub*, via FAX (as detailed below). If you prefer email correspondence, please contact either individual for a "soft copy" of the file.

The individuals responsible for exchanging Trading Partner porting information and who will be contacting you in the near future are

Peter Jacklin
Phone (913) 307-7356
FAX: (913) 307-7447
pjackl01@sprintspectrum.com

--or--

Hal Weintrub
Phone: (913) 307-7379
FAX: (913) 307-7447
hwein01@sprintspectrum.com


The contact to initiate negotiations of an Operating Agreement between our companies is

Jack Weyforth
Phone: (913) 315-9591
FAX: (913) 794-0720
jweyfo01@sprintspectrum.com

In general, SPCS follows industry guidelines for Wireless-to-Wireless and Wireless-to-Wireline porting. This includes industry-standard modes of connectivity, forms, form versions, and business rules.

Thank you very much and we look forward to establishing a porting relationship with you.

Sincerely,


Jack Weyforth
Manager, Carrier & Interconnection Management
6450 Sprint Parkway
KSOPHN0212-2A411
Overland Park, KS 66251

Encl: Trading Partner Profile for Porting

Attachment to Response # 10
to TRA's Data Request dated January
14, 2004
Docket No. 03-00633

Interconnection/Numbering/Mandates



Verizon Wireless
2785 Mitchell Drive MS 7-1
Walnut Creek, CA 94598

November 18, 2003

IMMEDIATE ATTENTION REQUESTED
Twin Lakes Telephone Cooperative Corp.
P.O. Box 67
Gainesboro, TN 38562

Re: Local Number Portability

Dear Sam Anderson:

The FCC has recently reiterated the pre-existing deadlines for local number porting for wireless and wireline carriers operating outside the Top 100 MSAs, effective May 24, 2004. Verizon Wireless Celco Partnership d/b/a Verizon Wireless would like to begin to complete a Service Level Agreement (SLA) to ensure a smooth transition to number portability by establishing procedures to govern the exchange of information during the porting process. Specifically, an SLA would serve several purposes: memorialize the intercarrier communications processes that the two carriers intend to follow, capture appropriate porting center and trouble contacts, and contain the parties' agreement to successfully facilitate porting customers. If you have not already received a copy of our SLA, you can obtain one by contacting Sharon Canas at 925-279-6122 or email Sharon.Canas@VerizonWireless.com.

If negotiating an SLA is not possible in the next few weeks before the LNP deadline, Verizon Wireless's immediate concern is in obtaining, at minimum, a Trading Partner Profile (TPP). The TPP would provide basic factual information necessary to accomplish portability and would include those entities covered by the profile and any back-office or porting center contacts. Verizon Wireless plans to integrate this information into its information systems and also provide it to personnel staffing our porting center. Whether or not an SLA is ultimately executed, sharing this type of factual information is necessary to facilitate porting as well as fallout resolution. In this regard, we have enclosed a copy of the TPP with appropriate contact information.

Please include a response to this request along with a point of contact for provision of TPP information and/or SLA discussions in a letter or email addressed to the undersigned. Thank you for your immediate attention and cooperation.

A handwritten signature in cursive script, appearing to read "Linda Godfrey".

Linda Godfrey
Member of Technical Staff
Interconnection Numbering and Mandates
Headquarters Network Operations Staff

Enclosure

Attachment to Response # 10
to TRA's Data Request dated January
14, 2004
Docket No. 03-00633

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

January 28, 2004

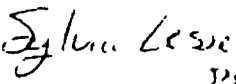
Linda Godfrey
Interconnection, Numbering and Mandates
Verizon Wireless
2785 Mitchell Drive
Walnut Creek, CA 94598

Dear Ms. Godfrey,

We have been asked by our client, Twin Lakes Telephone Cooperative Corp ("Twin Lakes") to respond to your correspondence seeking deployment of number portability in specific switch locations (the "Request") and completion of a "Service Level Agreement" ("SLA"). Twin Lakes is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where Verizon Wireless' coverage overlaps each of the rate centers owned and controlled by Twin Lakes as specified in the Request.¹ In this regard, please note that Twin Lakes has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines.²

We're reviewing the SLA and will respond shortly. Please refer any additional questions or correspondence concerning this matter to this office.

Very truly yours,


Sylvia Lesse

cc: Robert D. Dudney

¹ Pursuant to Section 52.23(b)(2)(iii) of the Commission's Rules (47 C.F.R. § 52.23(b)(2)(iii)), Twin Lakes notifies Verizon Wireless that the list of switches (and their respective CLI designation) specified in the correspondence is correct. The switches currently are not number portable-capable.

² Twin Lakes is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.

Bledsoe Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 1: Has the company previously petitioned the FCC or the TRA requesting an extension of time, or a modification of the FCC's rules regarding number portability? If so, a copy of each company's filings should be provided with the response.

Answer: No.

Bledsoe Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 2: Identify, by company, the switch designation(s), and exchange(s), for which the petition of suspension of the FCC's rules is being sought.

Answer:	Bledsoe Telephone Cooperative	Pikeville	423-447
	(All switches are DMS10's)	Dunlap	423-949
		Nine Mile	423-533
		College Station	423-554
		Fall Creek Falls	423-881

Bledsoe Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 3: Identify and describe the specific equipment, software, programming or other technical issues that make number portability technically infeasible for each company.

Answer: Software activation
 Translation programming
 Training – administrative and technical

Bledsoe Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 4: For each piece of equipment and/or software item that is required, identify the costs to each company to purchase, install and test each item necessary for the implementation of local number portability capability.

Answer:	Local Number Portability software option	\$49,200
	Number Pooling	\$4,000
	Translations	\$25,000

Bledsoe Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 5: Identify the costs of each company, if any, of any contract(s) that must be entered into to participate in number portability. (Any costs or contract(s) considered required should not include interconnection agreements.)

Answer: Unknown.

Bledsoe Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 6: Identify any administrative function(s) change(s), internal and external to the company, and the costs incurred to implement the change(s). (Administrative changes would include additional personnel, office equipment and etc.)

Answer: Unknown

Bledsoe Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 7: Identify each company's total cost to implement local number portability.

Answer: \$78,200+

Bledsoe Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 8: Provide the number of access lines each company has in service.

Answer: 12,300

Bledsoe Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 9: Identify, by company, if the FCC authorized local number portability charge, as a regular monthly charge, is being imposed? If a LNP charge is being imposed by any company, how much is the monthly charge and when did the charge begin to show on customer's billing invoices for each company?

Answer: N/A

Bledsoe Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 10: Identify, by company, if there have been any previous requests from CLECs or Wireless Service Providers for number portability? Provide copies of those requests with the response.

Answer:	AT&T Wireless	11/21/03
	Verizon Wireless requested an SLA in regard to LNP	11/7/03
	(See Attached)	

Bledsoe Telephone Cooperative
Response to Data Requests of January 14, 2004

Question 11: Identify, by company, if the company can, or does, provide remote call forwarding, or like service features, as a subscription feature available to its consumers?

Answer: Yes.



November 21, 2003

Randel Burns
Bledsoe Telephone
115 Cherry St E
Pikeville, TN 37367

NOV 25 2003

Dear Randel Burns,

AT&T Wireless Services, Inc. is requesting provisioning of portability with your company for end users outside the Top 100 MSAs by May 24th, 2004 in accordance with the FCC's Wireless Number Portability Orders.

Enclosed is a Bona Fide Request form with a list of markets *outside the Top 100 MSAs* in which AT&T Wireless Services, Inc. is requesting portability by May 24th, 2004. Please indicate on the form whether each of your switches in the markets on this list in which you operate is LNP capable. If a switch is not currently LNP-capable, pursuant to the FCC's rules and requirements and this Bona Fide Request, you must ensure that your switches in the markets on this list are LNP capable by May 24, 2004.

We request that you complete the attached form and return to the undersigned by December 4th, 2003.

Please do not hesitate to contact me if you have any questions.

Sincerely,

Suzy Nieman

Manager, Carrier Relations
Phone: (425) 580 0845
Fax: (425) 580 8609
Suzanne.nieman@attws.com

AT&T Wireless Services 7277 164th Avenue NE Redmond, WA 98052

Interconnection/Numbering/Mandates



Verizon Wireless
2785 Mitchell Drive MS 7-1
Walnut Creek, CA 94598

November 7, 2003

IMMEDIATE ATTENTION REQUESTED

Bledsoe Telephone Cooperative
203 Cumberland Ave.
Pikeville, TN 37367

Re: Local Number Portability

Dear Greg Anderson

The FCC has recently reiterated the pre-existing deadlines for local number porting. Verizon Wireless Cellco Partnership d/b/a Verizon Wireless would like to complete a Service Level Agreement (SLA) to ensure a smooth transition to number portability by establishing procedures to govern the exchange of information during the porting process. Specifically, an SLA would serve several purposes: memorialize the intercarrier communications processes that the two carriers intend to follow, capture appropriate porting center and trouble contacts, and contain the parties' agreement to successfully facilitate porting customers. If you have not already received a copy of our SLA, you can obtain one by contacting Sharon Cañas at 925-279-6122 or email Sharon.Canas@VerizonWireless.com.

If negotiating an SLA is not possible in the next few weeks before the LNP deadline, Verizon Wireless's immediate concern is in obtaining, at minimum, a Trading Partner Profile (TPP). The TPP would provide basic factual information necessary to accomplish portability and would include those entities covered by the profile and any back-office or porting center contacts. Verizon Wireless plans to integrate this information into its information systems and also provide it to personnel staffing our porting center. Whether or not an SLA is ultimately executed, sharing this type of factual information is necessary to facilitate porting as well as fallout resolution. In this regard, we have enclosed a copy of the TPP.

Please include a response to this request along with a point of contact for provision of TPP information and/or SLA discussions in a letter or email addressed to the undersigned. Thank you for your immediate attention and cooperation.

A handwritten signature in cursive script, appearing to read "Linda Godfrey".

Linda Godfrey
Member of Technical Staff
Interconnection Numbering and Mandates
Headquarters Network Operations Staff

Enclosure

Attachment to Response # 10
to TRA's Data Request dated
January 14, 2004
Docket No. 03-00633

**Tennessee Coalition Joint Response
Response to Data Requests of January 14, 2004**

Question 3. Identify and describe the specific equipment, software, programming or other technical issues that make number portability technically infeasible for each company.

In response to Question 3 and 4, the Coalition members have provided individual company information regarding the specific equipment, software and programming requirements necessary for each individual company to be able to port telephone numbers. The issue of intermodal, or wireline to wireless, number portability raises issues of feasibility for rural telephone companies beyond the technical capability of switches.

A. It is technically infeasible for calls to ported number to be treated as "local" in the absence of interconnection and routing arrangements with the carrier to which a number has been ported.

Specifically, the FCC's November 10, 2003, Order addressing wireline to wireless portability requires that "calls to the ported number will continue to be rated in the same fashion as they were prior to the port. As to the routing of calls to ported numbers, it should be no different than if the wireless carrier had assigned the customer a new number rated to that rate center." In general, wireless carriers operating in Tennessee have not established any direct interconnection arrangements with Coalition members. Implementation of the FCC order is technically infeasible to the extent that it anticipates that calls to ported numbers will automatically be treated as "local calls" in the absence of interconnection arrangements. Neither interconnection between two carriers nor the establishment of an Extended Area Service (EAS) route between two carriers occurs automatically. Interconnection occurs within the framework of Section 251 of the Act and is initiated by a request of one carrier to another; interconnection is not a product of spontaneous generation. Similarly, the establishment of an EAS route does not occur in the absence of negotiation and agreement regarding the exchange of traffic between the two carriers.

B. In the absence of an interconnection arrangement, calls from a wireline end user to a wireless carrier may be handled by the originating end user's toll provider. The LEC cannot route or rate the call as "local."

Irrespective of the factual assumptions implicit in the FCC's Order, the fact is that if a call is ported to a wireless carrier that has no established interconnection arrangement with a

Coalition member, the "calls to the ported number" cannot be rated "in the same fashion as they were prior to the port." In the absence of an established interconnection arrangement with a wireless carrier, calls from wireline carriers to the network of the wireless carrier are generally carried by the originating end user's choice of toll carrier or interexchange carrier.

Where the FCC's Order directs wireline carriers to route "calls to ported numbers . . . no different than if the wireless carrier had assigned the customer a new number rated to that rate center," the routing will be to the originating wireline customer's chosen toll or interexchange carrier in those instances where a wireless carrier has failed to establish an interconnection arrangement with the wireline carrier pursuant to Section 251 of the Act. Under these circumstances, the Coalition member will be unable to comply technically with the requirement of the Order to rate calls to the ported number "in the same fashion as they were prior to the port." The rating is performed by the originating customer's toll or interexchange service provider.

C. The Coalition members have no authority as LECs to transport calls beyond their network boundaries. If an number is ported to a wireless carrier that has not made an interconnection arrangement with the LEC, it is not technically feasible for the LEC to transport a call to a ported number.

Contrary to the FCC's apparent factual misunderstanding, the Coalition members and other similarly situated rural telephone companies do not provision local exchange services that involve transport responsibility or network functions beyond their own networks within their respective service areas. This fact is in stark contrast to the networks of BellSouth and the other BOCs.

Unlike the BOCs that transport traffic throughout a LATA over their established network facilities, the interconnection obligations and technical capabilities of the Coalition members are limited to their local exchange networks which are geographically limited by the bounds of their incumbent service territory. Telecommunications services provided to end users which involve transport responsibility to interconnection with the networks of other carriers at points beyond a Coalition member's service area network are provided by toll or interexchange carriers, and not by the Coalition member.

The toll or interexchange carrier chosen by the end user customer is responsible for the transport and network functions for the transmission of the calls destined to points beyond the network of the Coalition member. The toll or interexchange carrier "carries" the call to its destination for termination to the called party, generally utilizing the switched interconnection and termination services of the carrier serving the customer on the other end of the call.

Accordingly, calls that are originated by customers of Coalition members and destined to network interconnection points beyond the network of the Coalition member are both “routed” and “rated” by the customer’s chosen toll or interexchange carrier which, in fact, is the service provider for such calls. The functional involvement of the Coalition member with respect to such calls is limited to the provision of interexchange access services on an equal basis to interexchange carriers that compete to provide interexchange services to the end user.

D. Appropriate processes and procedures should be undertaken prior to the porting of numbers to ensure that customer expectations are met.

To the extent that the FCC has contemplated or assumed the existence of some other treatment of calls to numbers ported from a wireline carrier to a wireless carrier where the wireless carrier has no interconnection point established on the network of a Coalition member, appropriate procedures and processes must be undertaken to examine a complex set of issues regarding which carriers will transport the traffic to a point beyond the network of the Coalition member and what the terms for such transport will be. Any such contemplated or assumed alternative arrangement cannot be implemented in the absence of a thorough consideration of the issues, and the determination of rational mechanisms to route a call to a point of interconnection beyond the physical location of the original rate center and physical network facilities of the Coalition member within the local exchange service area in which the number was formerly used at a specific location. Until these network arrangements are established by a wireless carrier, porting a number to that wireless carrier and treating calls to that number as “local” is not technically feasible.

TDS Telecom
Response to Data Requests of January 14, 2004

Question 1: Has the company previously petitioned the FCC or the TRA requesting an extension of time, or a modification of the FCC's rules regarding number portability? If so, a copy of each company's filings should be provided with the response.

Answer: Humphreys County, Tellico and Tennessee Telephone were members of the Tennessee Small Local Exchange Company Coalition which filed a 251(f)(2) petition for suspension and/or modification of all 251(b) & (c) interconnection obligations, including local number portability, with the TRA in August, 1999 (Docket 99-00613) (See Attached) This petition was withdrawn by the Coalition in November, 2001 prior to a final order from the TRA

TDS Telecom
Response to Data Requests of January 14, 2004

Question 2: Identify, by company, the switch designation(s), and exchange(s), for which the petition of suspension of the FCC's rules is being sought.

Answer: Switch designations and exchanges are identified below

TDS Telecom Company	Switch	Exchange
Humphreys County	NWJHTNXARS5	931-535
Tellico	TLPLTNXADS1	423-253
Tellico	CKCKTNXARS0	423-261
Tellico	BLPLTNXARS0	423-295
Tellico	RCVLTNXARS0	423-462
Tellico	NIOTTNXARS0	423-568
Tellico	VONRTNXADS1	423-792, 423-884
Tellico	ENWDTNXADS1	423-885, 423-887
Tennessee Telephone	SCHLTNXARS0	731-549
Tennessee Telephone	BCTNTNXARS0	731-586
Tennessee Telephone	PRSSTNXASDS1	731-845, 731-847
Tennessee Telephone	DCVLTNXARS0	731-852
Tennessee Telephone	SRDSTNXARS1	731-858
Tennessee Telephone	COVLTNXARS0	931-293
Tennessee Telephone	LNDNTNXARS0	931-589
Tennessee Telephone	LBVLTNXARS0	931-593
Tennessee Telephone	CFTNTNXARS0	931-676
Tennessee Telephone	WYBOTNXADS1	931-722
Tennessee Telephone	CNWDTNXADS1	931-724

TDS Telecom

Response to Data Requests of January 14, 2004

Question 3: Identify and describe the specific equipment, software, programming or other technical issues that make number portability technically infeasible for each company.

Answer: TDS Telecom has no equipment limitations that make LNP deployment at any of these locations technically infeasible. However, having received requests for LNP deployment in over 200 locations TDS system-wide and given the limited technical resources available for installation and testing at each site, it is infeasible that all locations can be completed by the 5/24/04 deadline.

TDS Telecom
Response to Data Requests of January 14, 2004

Question 4: For each piece of equipment and/or software item that is required, identify the costs to each company to purchase, install and test each item necessary for the implementation of local number portability capability.

Answer: The cost to purchase and install software to support LNP functionality are as follows Hymphreys County- \$5,000 (some additional costs were shared/incurred when Mt Juliet host switch was updated)
Tellico- \$36,235
Tennessee Telephone- \$150,669 for remaining non-LNP capable sites.¹

¹ Tennessee Telephone Company would incur an additional \$169,948 for, if and when it is required to participate in number pooling

TDS Telecom
Response to Data Requests of January 14, 2004

Question 5: Identify the costs of each company, if any, of any contract(s) that must be entered into to participate in number portability. (Any costs or contract(s) considered required should not include interconnection agreements.)

Answer: Each company will be required to execute an agreement with NEUSTAR, Inc the LNP Administrator for the United States. The charges billed by NEUSTAR will vary according to the cumulative volume levels of porting events. Each company will also be assessed a call routing charge based on the volume of queries

TDS Telecom
Response to Data Requests of January 14, 2004

Question 6: Identify any administrative function(s) change(s), internal and external to the company, and the costs incurred to implement the change(s). (Administrative changes would include additional personnel, office equipment and etc.)

Answer: At this time, TDS Telecom is not able to quantify the overall administrative costs. While administrative costs are being incurred, the company has not separately tracked the additional costs. These costs would include the following activities / functions: LNP project management, testing with carriers, order processing, internal procedure development and training of customer service representatives, technicians and administrative staff.

TDS Telecom
Response to Data Requests of January 14, 2004

Question 7: Identify each company's total cost to implement local number portability.

Answer: TDS Telecom is unable to quantify the total cost of implementing LNP, including (if any) transport costs. See response to questions 4 and 7.

TDS Telecom
Response to Data Requests of January 14, 2004

Question 8: Provide the number of access lines each company has in service.

Answer: Access lines as of December 2003 – Humphreys County – 2,014, Tellico – 9,827, Tennessee Tel – 66,792 (43,307 of Tennessee Tel's lines are already LNP capable)

TDS Telecom
Response to Data Requests of January 14, 2004

Question 9: Identify, by company, if the FCC authorized local number portability charge, as a regular monthly charge, is being imposed? If a LNP charge is being imposed by any company, how much is the monthly charge and when did the charge begin to show on customer's billing invoices for each company?

Answer: Only end-users in the Halls Crossroads, LaVergne and Mt Juliet exchanges of Tennessee Telephone are being assessed the FCC LNP charge as follows

Per Line - \$0 15
Per PBX Trunk - \$1 35
Per ISDN PRI - \$0 75

These charges went into effect 10/1/2003 when those exchanges became LNP capable. Subscribers in the remaining exchanges of Tennessee Tel as well as those in Tellico and Humphreys County are not currently assessed an LNP charge.

TDS Telecom
Response to Data Requests of January 14, 2004

Question 10: Identify, by company, if there have been any previous requests from CLECs or Wireless Service Providers for number portability? Provide copies of those requests with the response.

Answer: Humphreys County – No LNP requests,

Tellico – requests from Sprint PCS and US Cellular, and

Tennessee Telephone – requests from US LEC (for offices already LNP capable) and Cingular Wireless.

All are attached

TDS Telecom
Response to Data Requests of January 14, 2004

Question 11: Identify, by company, if the company can, or does, provide remote call forwarding, or like service features, as a subscription feature available to its consumers?

Answer: All TDS Telecom companies can provide Remote Call Forwarding as a subscription feature

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

IN RE:

**PETITION OF THE TENNESSEE SMALL LOCAL)
EXCHANGE COMPANY COALITION FOR)
TEMPORARY SUSPENSION OF 47 U.S.C. §)
251(b) AND 251(c) PURSUANT TO 47 U.S.C. §)
251(f) AND 47 U.S.C. § 253(b).)**

DOCKET NO. 99-_____

PETITION

Comes the Tennessee Small Local Exchange Company Coalition and petitions the Tennessee Regulatory Authority (the "Authority" or "TRA") pursuant to Sections 251(f)(2) and 253(b) of the Telecommunications Act of 1996 (the "1996 Act") for a temporary suspension of the requirements imposed under Sections 251(b)(1), (2), (4) and (5) and 251(c) of the 1996 Act and would respectfully show the Authority as follows

1 The Tennessee Small Local Exchange Company Coalition (the "Coalition"), is comprised of and consists of the following member companies (1) Ardmore Telephone Company, Inc., (2) the Century Telephone Enterprises, Inc Companies in Tennessee consisting of (a) CenturyTel of Adamsville, Inc , (b) CenturyTel of Claiborne, Inc , and (c) CenturyTel of Ooltewah-Collegedale, Inc., (3) Loretto Telephone Company, Inc , (4) Millington Telephone Company, Inc ; (5) the TDS TELECOM Companies in Tennessee consisting of (a) Concord Telephone Exchange, Inc , (b) Humphreys County Telephone Company, (c) Tellico Telephone Company, and (d) Tennessee Telephone Company, (6) the Telephone Electronics Corp ("TEC") Companies in Tennessee consisting of (a) Crockett Telephone Company, Inc , (b) Peoples

Telephone Company, Inc , and (c) West Tennessee Telephone Company, Inc , and (7) United Telephone Company, Inc.

2 The members of the Coalition are all small local exchange telephone companies regulated by the Authority pursuant to T.C.A. § 65-4-101 et seq. Each of the companies is considered a rural telephone company by the qualifying criteria provided in 47 U.S.C. § 153(37). Each of the Companies is a company entitled to suspensions and modifications for rural carriers and entitled to petition the Authority under 47 U.S.C. § 251(f)(2).

3 At the present time the Authority is considering state universal service issues in a universal service generic contested case, Docket No. 97-00888. Also, the Federal Communications Commission is considering modification to the federal universal service mechanisms in FCC Docket No. 96-45. In the Matter of Federal State Joint Board on Universal Service.

4 That the Tennessee Legislature, by enacting Chapter 408 of the Acts of 1995, and in particular T.C.A. § 65-4-201(d), attempted to restrict competition in the territory of the small rural telephone companies until such time as certain events occurred. It also attempted to insure that Universal Service would be maintained. T.C.A. § 65-5-207.

5 Hyperion of Tennessee, L.P., a facilities-based competitive local exchange carrier filed a Petition seeking to extend services into an area served by Tennessee Telephone Company, one of the members of the Coalition in this matter. The Authority in that case, Docket 98-0001, by Order dated April 9, 1998, denied Hyperion's Petition based upon T.C.A. § 65-4-201(d) and on T.C.A. § 65-5-207 the universal service statute.

6. Hyperion of Tennessee, L P filed a Petition for Preemption of Tennessee Code Annotated (T C A) 65-4-201(d) with the FCC In a decision released May 27, 1999, the FCC preempted T C A 65-4-201(d) but declined to grant Hyperion's request to direct the Authority to grant Hyperion's application The four TDS companies and the Tennessee Regulatory Authority filed separate Petitions for Reconsideration of the Memorandum Opinion and Order with the FCC The Tennessee Regulatory Authority has also filed a Motion for Stay of Enforcement. The Motions for Reconsideration and the Motion to Stay are now pending before the FCC

7. The Coalition does not seek a suspension of 251(b)(3) because all of the Petitioners have or are in the process of implementing IntraLATA Dialing Parity Plans Pursuant to an Order of the TRA the Petitioners have submitted their Plans for IntraLATA Dialing Parity and have received TRA approval The individual implementation of each Plan has been or will be at a considerable cost to the Petitioners

8. The Coalition does seek a suspension of 251(b)(1), (2), (4) and (5) and 251(c) of the 1996 Act until such time as the regulatory policies tailored to preserving universal service and maintaining affordable rates in rural service areas can be finally developed and implemented at the State and Federal levels

9 Petitioners will show that the suspension requested is necessary (a) to avoid a significant adverse economic impact on users of telecommunication services generally; (b) to avoid imposing a requirement that is unduly economically burdensome, or (c) to avoid imposing a requirement that is technically infeasible, and (d) is consistent with the public interest, convenience and necessity

PREMISES CONSIDERED, Petitioner prays.


(1) That pursuant to Sections 253(b) and 251(f)(2) of the Telecommunications Act of 1996 [47 U S C §§ 253(b) and 251(f)(2)] the Tennessee Regulatory Authority suspend Sections 251(b)(1), (2), (4) and (5) and 251(c) interconnection requirements of the Petitioners until regulatory policies tailored to preserving universal service and maintaining the affordable rates in rural service areas can be developed and implemented at the state and federal levels

(2) That the Tennessee Regulatory Authority suspend all Section 251(b)(1), (2), (4) and (5) and Section 251(c) interconnection requirements to which Petitioners are, or, are potentially, subject until final action is taken with regard to this Petition

(3) That Petitioners have such other and further relief as they may be entitled to in this cause

Respectfully submitted,

THE TENNESSEE SMALL LOCAL
EXCHANGE COMPANY COALITION

By 

R DALE GRIMES (#6223)
T G PAPPAS (#2703)
BASS, BERRY & SIMS PLC
2700 First American Center
Nashville, TN 37238
(615)742-6200

#2042906

CERTIFICATE OF SERVICE

I hereby certify that on August 18th, 1999, a copy of the foregoing documents (letter, Petition and Brief) was served on the following persons, via U S Mail, postage pre paid, addressed as follows

Don Baltimore, Esquire
Farrar & Bates
211 7th Ave , N., #320
Nashville, TN 37219-1823

Guy Hicks, Esquire
BellSouth Telecommunications
333 Commerce St
Nashville, TN 37201-2300

Mr Thomas J. Curran
360 Communications Co
8725 W Higgins Road
Chicago, IL 60631

Richard M Tettlebaum
Citizens Communications
1400 16th St., NW, #500
Washington, DC 20036

Richard Smith, President
Standard Communications Co
302 Sunset Dr , #101
Johnson City, TN 37604

Vincent Williams, Esq
Consumer Advocate Division
426 Fifth Ave., N , 2nd Fl.
Nashville, TN 37243-0500

Ms Nanette Edwards
Deltacom, Inc
700 Blvd South, #101
Huntsville, AL 35802

William C. Carriger, Esquire
Strang, Fletcher
One Union Sq., #400
Chattanooga, TN 37402

Carolyn Tatum-Roddy, Esq
Sprint Communications Co , LP
3100 Cumberland Circle
Atlanta, GA 30339

Dan H Elrod, Esquire
Trabue, Sturdivant, et al
511 Union St , #2500
Nashville, TN 37219-1738

James P Lamoureux
AT&T
1200 Peachtree St , NE, #4068
Atlanta, GA 30367

Jon Hastings, Esquire
Boult, Cummings, et al
414 Union St , #1600
Nashville, TN 37219

Guilford Thornton, Esquire
Stokes & Bartholomew
424 Church Street, #2800
Nashville, TN 37219

Henry M Walker, Esquire
Boult, Cummings, et al
414 Union St , #1600
Nashville, TN 37219

Dana Shaffer, Esquire
NEXTLINK
105 Malloy Street, #300
Nashville, TN 37201

Richard Cys
Davis, Wright Tremaine
1155 Connecticut Ave , NW, #700
Washington, DC 20036

Daniel M Waggoner
Davis, Wright Tremaine
1501 Fourth Ave , #2600
Seattle, WA 98101-1684

Charles B Welch
Farris, Mathews, et al
511 Union St , #2400
Nashville, TN 37219

James Wright, Esq
United Telephone - Southeast
14111 Capitol Blvd
Wake Forest, NC 27587

Richard Collier, Esquire
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0500

Phoenix Network
Attn Denise Newman
1687 Cole Blvd
Golden, CO 80401

Jane Walters, Commissioner
Department of Education
710 James Robertson Pkwy , 6th Fl
Nashville, TN 37423-0375

Jack McFadden, Director
Dept of Finance & Administration
598 James Robertson Parkway
Nashville, TN 37243-0560

Edward W. Kirsch, Esquire
Dana Frix, Esquire
Swidler Berlin Shereff Friedman, LLP
3000 K Street, NW, #300
Washington, DC 20007

Val Sanford, Esquire
Gullett, Sanford, Robinson & Martin
230 Fourth Ave , N., 3rd Fl
Nashville, TN 37219-8888

D Billye Sanders, Esquire
P O Box 198866
Nashville, TN 37219-8966

Michael Romano, Esquire
Mark Pasko, Esquire
Swidler Berlin Shereff Friedman, LLP
3000 K St., NW, #300
Washington, DC 20007-5116

Sheila Davis
Chaz Taylor, Inc
3401 West End Ave , #318
Nashville, TN 37203


T G Pappas

BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

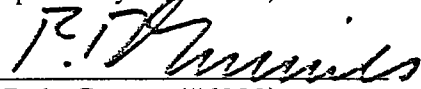
IN RE:

PETITION OF THE TENNESSEE SMALL LOCAL)
EXCHANGE COMPANY COALITION FOR)
TEMPORARY SUSPENSION OF 47 U.S.C. §) DOCKET NO. 99-00613
251(b) AND 251(c) PURSUANT TO 47 U.S.C. §)
251(f) AND 47 U.S.C. § 253(b))

NOTICE OF WITHDRAWAL

Petitioner hereby gives notice of its intent to withdraw the petition filed in this case and requests that the Authority dismiss this petition without prejudice from its docket. The intervenors do not object to the withdrawal of this petition.

Respectfully submitted,


R Dale Grimes (#6223)
T G Pappas (#2703)
Tara L Swafford (#17577)
BASS, BERRY & SIMS PLC
315 Deaderick Street, Suite 2700
Nashville, Tennessee 37238-0002
(615) 742-6200
*Counsel for The Tennessee Small
Local Exchange Company Coalition*

Attachment to Response # 1
to TRA's Data Request dated
January 14, 2004
Docket No. 03-00633

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing was served on the following counsel of record, via the method checked, on November 6, 2001

Henry M Walker
Boult, Cummings, Conners & Berry
414 Union Street, #1600
Nashville, TN 37219

☒ Hand Delivery
☐ First Class Mail
☐ Facsimile

Richard Collier
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0500

☒ Hand Delivery
☐ First Class Mail
☐ Facsimile

Kemal M Hawa
Swidler, Berlin, Shereff, Friedman, LLP
3000 K Street, Suite 300
Washington, D C 20007-5116

☐ Hand Delivery
☒ First Class Mail
☐ Facsimile

R. D. Conners

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

March 25, 2002

IN RE:

PETITION OF THE TENNESSEE SMALL
LOCAL EXCHANGE COMPANY COALITION
FOR TEMPORARY SUSPENSION OF
47 U.S.C. §§ 251(b) and 251(c) PURSUANT
TO 57 U.S.C. § 251(f) and 47 U.S.C. § 253(b)

DOCKET NO.
99-00613

ORDER ACCEPTING WITHDRAWAL OF PETITION

This matter came before the Tennessee Regulatory Authority ("Authority" or "TRA") at a regularly scheduled Authority Conference held on November 20, 2001 upon the November 6, 2001 filing of the *Tennessee Small Local Exchange Company Coalition's Notice of Withdrawal*

Background

On August 18, 1999, Tennessee Small Local Exchange Company Coalition (the "Coalition")¹ filed a *Petition* with the Authority requesting a temporary suspension of the requirements of Sections 251(b)(1), (2), (4) and (5) and 251(c) of the Telecommunications Act of 1996 (the "Act") The *Petition*, filed pursuant to Sections

¹ The Coalition consists of the following member companies Ardmore Telephone Company, Inc, Century Telephone Enterprises, Inc, CenturyTel of Adamsville, Inc, CenturyTel of Claiborne, Inc, CenturyTel of Ooltewah-Collegedale, Inc Company, Loretto Telephone Company, Inc, Millington Telephone Company, Inc, TDS TELECOM companies in Tennessee consisting of Concord Telephone Exchange, Tennessee Telephone Company, Tellico Telephone Company, Humphreys County Telephone Company (collectively the "TDS local exchange carriers"), the Telephone Electronics Corp ("TEC") companies in Tennessee including Crockett Telephone Company, Inc, Peoples Telephone Company, Inc, West Tennessee Telephone Company, Inc and United Telephone Company, Inc Each member of the Coalition claims to be a rural telephone company within the meaning of 47 U.S.C. § 153 (37)

251(f)(2) and 253(b) of the Act, seeks the suspension of the requirements of interconnection until "such time as the regulatory policies tailored to preserving universal service and maintaining affordable rates in rural service areas can be finally developed and implemented at the State and Federal levels"²

At a regularly scheduled Authority Conference held on October 26, 1999, the Authority voted unanimously to open a contested case in this docket. Thereafter petitions to intervene filed by US LEC of Tennessee, Inc ("US LEC"), the Southeastern Competitive Carriers Association ("SECCA"), Hyperion of Tennessee, L P ("Hyperion") and AT&T Communications of the South Central States, Inc ("AT&T") (collectively referred to as "the Intervenor") were granted. General Counsel or his designee was appointed to serve as the Pre-Hearing Officer for the purpose of establishing issues and otherwise preparing this matter for consideration by the Authority.

On January 14, 2000, US LEC filed with the Authority notification, pursuant to 47 U.S.C. § 251(f)(1), of its "bona fide request" to TDS Telecom for an interconnection agreement with TDS and its local exchange operating companies. US LEC's notification and the subsequent filings related thereto were filed in TRA Docket No. 00-00026.

On March 17, 2000, a Pre-Hearing Conference was held in this docket, TRA Docket No. 99-00613, during which the parties discussed the potential effect of a decision on the Coalition's *Petition* in this case upon US LEC's request for interconnection in TRA Docket No. 00-00026. The parties agreed that a decision in this docket resulting in a suspension of the requirements for interconnection set forth in Section 252 of the Act would act as a suspension of US LEC's request. During this discussion, counsel for US LEC stated further that a determination of the Coalition's

² See *Petition*, TRA Docket No. 99-00613, p. 3 (August 18, 1999).

Petition in this docket would likely determine whether or not US LEC would proceed with its request filed in TRA Docket No 00-00026. The parties reached an agreement that US LEC's request would be held in abeyance pending a determination of the Coalition's *Petition*. US LEC agreed to waive the requirement set forth in 47 U.S.C. § 251(f)(1)(B) that the agency decide whether to terminate TDS Telecom's exemption from the requirements of 47 U.S.C. § 251(c) within one hundred and twenty (120) days after receiving notice of the bona fide request.³

Following the completion of discovery and the filing of pre-filed testimony, hearing dates were set for August 22 and 23, 2000.⁴ The Hearing was postponed to permit the parties to address the impact of the Eighth Circuit Court of Appeals' decision in *Iowa Utilities Board v. FCC*⁵ on the conduct of this proceeding.⁶ A Pre-Hearing Conference was held on August 22, to discuss the impact of the *Iowa Utilities* case and revise the procedural schedule.

A Status Conference was convened on December 14, 2000, during which counsel for the Coalition made an oral request to have the setting of a Hearing in this matter deferred until the completion of TRA Docket No 00-00523, the Universal Service for Rural Areas – Generic Docket (the “Rural Universal Service Docket”). As grounds for the request, counsel for the Coalition stated that the resolution of certain issues in the Rural Universal Service Docket would directly affect the

³ The Coalition has contested US LEC's representations that the request meets the criteria for being a “bona fide request” under 47 U.S.C. § 251(f)(1). Transcript of Proceedings, March 17, 2000, pp. 39-42.

⁴ AT&T withdrew its intervention on August 11, 2000.

⁵ *Iowa Util. Bd. v. FCC*, 219 F.3d 744 (8th Cir. 2000) cert. granted in part, 531 U.S. 1124, 121 S.Ct. 877, 148 L.Ed.2d 788 (2000).

⁶ In advance of the Pre-Hearing Conference, the parties filed written comments on August 18, 2001, addressing the *Iowa Util. Bd. v. FCC* opinion.

resolution of similar issues in this docket. Counsel for the Intervenor's opposed the Coalition's request, stating that deferring this matter would cause an unnecessary delay in resolving this docket.

On December 18, 2000, the Pre-Hearing Officer issued the *Order Establishing Schedule for Filing Comments or Memoranda and Setting a Hearing Date*. In the event the Coalition's request to hold this docket in abeyance was denied, the Hearing was scheduled for February 14, 15 and 16, 2001, subject to the approval of the Authority.

On December 29, 2000, at the Pre-Hearing Officer's direction, the Coalition filed *Petitioner's Request To Defer Hearing Until Conclusion Of TRA Docket No. 00-00537 and Memorandum in Support*, arguing that the Rural Universal Service Docket is likely to resolve a number of issues central to the resolution of this docket and the Coalition and its subscribers will be subjected to significant harm if competition through interconnection is permitted in the absence of universal service funding mechanisms. Consistent with this reasoning, the Coalition further requested that the Authority defer US LEC's request for interconnection in TRA Docket No. 00-00026 pending resolution of the Rural Universal Service Docket.

On January 5, 2001, the Intervenor's filed *Reply of US LEC of Tennessee, Hyperion of Tennessee, LP, and the Southeastern Competitive Carriers Association to Petitioner's Request to Defer Hearing Until Conclusion of Docket No. 00-00537*. The Intervenor's argued that a decision to grant the Coalition's Request would be equivalent to granting the same substantive relief requested in the Coalition's Petition without requiring the Coalition to satisfy any of the federal statutory criteria necessary for

suspension US LEC also specifically objected to any further delay in its request for interconnection in TRA Docket No 00-00026

During the week of February 5, 2001 the proposed hearing dates were continued by agreement of the parties On July 13, 2001, the Pre-Hearing Officer received a letter from counsel for US LEC, requesting that this matter be reset for a hearing The Coalition filed a letter in response on August 31, 2001, reiterating its request to stay this proceeding pending the conclusion of TRA Docket No 00-00523

On October 4, 2001, the Pre-Hearing Officer issued the *Initial Order Denying the Tennessee Small Local Exchange Company Coalition's Request to Defer Hearing Until Conclusion of Docket No 00-00523 and Establishing Procedural Schedule*, finding that the Coalition provided insufficient grounds to support its request to defer the Hearing. In addition, the Pre-Hearing Officer analyzed the effect of the *Iowa Utilities* case on the burden of proof in this docket, concluding that the burden of proof for suspensions and modifications for rural carriers was unchanged and rested on each member of the Coalition

The Coalition's Notice of Withdrawal

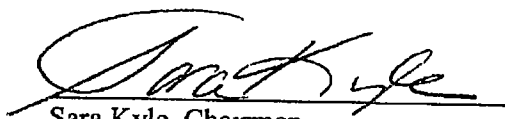
The Coalition filed its *Notice of Withdrawal* on November 6, 2001 The *Notice* stated that the Coalition intended to withdraw its *Petition* in this case without prejudice The *Notice* further stated that the intervenors did not object to the withdrawal of the *Petition*


At a regularly scheduled Authority Conference on November 20, 2001, the Authority deliberated the Coalition's *Notice of Withdrawal* After hearing from the

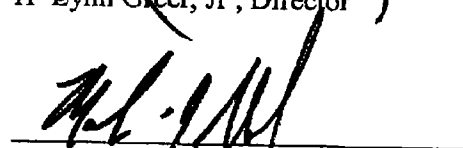
Coalition and from the Intervenors, which voiced their lack of an objection to the withdrawal of the *Petition*, the Authority voted unanimously to accept the withdrawal.

IT IS THEREFORE ORDERED THAT:

The Tennessee Small Local Exchange Company Coalition's Notice of Withdrawal is granted and this docket is closed


Sara Kyle, Chairman


H Lynn Greer, Jr., Director


Melvin J. Malone, Director

ATTEST


K. David Waddell, Executive Secretary

TN - NioTA
Riverville
Vandoe

Bonafide Request Form (BFR)

Purpose: This form is used to request deployment of long-term Local Number Portability as defined in the FCC mandates (CC

Docket 95-116). Specifically, this form requests that ALL codes be opened for portability within the Metropolitan Statistical Area and wireline switch CLLI codes designated below. This form may be used for both wireless and wireline requests.

TO (RECIPIENT):

OCN: 0578
Company Name TELlico TELEPHONE CO , INC
Contact Name: CHARLES HALL

Contact's Address: PO BOX 9

TELLICO PLAINS TN 37385

Contact's Phone: 423-887-2105

FROM (REQUESTOR):

Company Name: Sprmt PCS

Contact Name: Fawn Romg

Contact's Address: 6580 Sprint Parkway

Mailstop KSOPHW0516-5B360

Overland Park, KS 66210

Contact's Email: fromug01@sprmtspectrum.com

Contact's Fax: (913) 523-8333

Contact's Phone: (913) 794-9486

TIMING:

Date of Request: May 23, 2003

Receipt Confirmation Due By: June 9, 2003

Effective Date: November 24, 2003

Designated Wireline Switch CLLI Codes:

1st CLLI: NIOTTNXARS0

2nd CLLI: RCVLTNXARS0

3rd CLLI: VONRTNXADS1

4th CLLI

5th CLLI:

6th CLLI

Designated Metropolitan Statistical Areas (MSAs):

Note MSAs refer to the U S Census Bureau MSAs These may differ from the MSAs as separately defined by the wireless or wireline industries

MSA_NAME

Actions Required of the Recipient:

- 1 Within 10 days of receipt, provide confirmation to the requestor that this form has been received
- 2 For all currently released codes, and those to be released at any future time, within the designated U S Census Bureau MSAs and wireline switch CLLI codes (where applicable), open all for porting within the LERG
- 3 For all curenly released codes, and those to be released at any future time, within the designated U S Census Bureau MSAs and wireline switch CLLI codes (where applicable), open all for porting within the NPAC (Number Portability Administration Center)
- 4 Ensure that all switches handling codes within the designated MSAs are Local Number Portability capable.

Monday, May 12, 2003

BFR Checklist Form v04 020204 doc

Attachment to Response # 10
to TRA's Data Request dated
January 14, 2004
Docket No 03-00633



TN - Tellico
Ball Play
Riceville
Veno
Niota
Coker Creek
Englewood

November 20, 2003

TELLICO TELEPHONE CO INC
CHARLES HALL
PO BOX 9
TELLICO PLAINS, TN 37385

Enclosed is the Bona Fide Request (BFR) form in acceptance with the provisions of the FCC mandate to provide long-term deployment of Local Number Portability. The purpose of this letter is to request provisioning of LNP in areas where TELLICO TELEPHONE CO INC is licensed to do business.

The attached BFR identifies the area by cellular/PCS market name that must be opened for porting by May 24, 2004. Please review this form, validate that TELLICO TELEPHONE CO INC is responsible for the identified market and confirm the date by which these switches will be LNP capable. Please confirm receipt of this request within 10 days.

If you have any additional questions or concerns, you can contact me at the number below or at lpaarfusser@uscellular.com

Sincerely,

Lisa Paarfusser
Manager-Interconnect
(773) 399-4985 – Desk
(773) 399-4123 – Fax

Attachment to Response # 10
to TRA's Data Request dated
January 14, 2004
Docket No 03-00633

Bonafide Request Form (BFR)

se This form is used to request deployment of long-term Local Number Portability as defined in the FCC mandates (Docket 95-116). Specifically, this form requests that All codes be opened for portability within the Metropolitan Statistical Areas and wireline rate centers designated below. This form may be used for both wireless and wireline requests.

TO (RECEIPT)

Company Name TELlico TELEPHONE CO INC
Company Contact CHARLES HALL
Company Address PO BOX 9
TELLICO PLAINS, TN 37385

Contact's Email.
Contact's Fax
Contact's Phone

FROM (REQUESTOR)

Company Name U S CELLULAR
Company Contact Lisa Paarfusser
Company Address 8410 W Bryn Mawr Ave , #700
Chicago, IL 60631

Contact's Email lpaarfusser@uscellular.com
Contact's Fax (773) 399-4123
Contact's Phone (773) 399-4281

Timing

Date of Request 11/24/2003
Receipt Confirmation Due By 12/10/2003 (Due no later than 10 days after the Date of Request)
Effective Date 5/24/2003 (Not less than 6 months from the Date of Request)

Designated Metropolitan Statistical Areas (MSAs)

Note: MSAs refer to the U S Census Bureau MSAs. These may differ from the MSAs as separately defined by the wireless or wireline industries.

Market TN07	Rate Center TELlico PL, TN
Market TN07	Rate Center BALL PLAY, TN
Market TN07	Rate Center RICEVILLE, TN
Market TN07	Rate Center VONORE, TN
Market TN07	Rate Center NIOTA, TN
Market TN07	Rate Center COKERCREEK, TN
Market TN07	Rate Center ENGLEWOOD, TN

Attachment to Response # 10
to TRA's Data Request dated
January 14, 2004
Docket No 03-00633

Actions Required of the Receipt

1. Within 10 days of receipt, provide confirmation to the requestor that this form has been received.
2. For all currently released codes, and those to be released at any future time, within the designated U S Census Bureau MSAs and wireline rate centers (where applicable), open all for porting within the LERG.
3. For all currently released codes, and those to be released at any future time, within the designated U S Census Bureau MSAs and wireline rate centers (where applicable), open all for porting within the NPAC (Number Portability Administration Center).
4. Ensure that all switches handling codes within the designated MSAs are Local Number Portability capable.



TN - Bruceton
Clifton
Collinswood
Cornersville
Decaturville
Hixson
Lobelville
Parsons
Scotts Hill
Waynesboro
Jardis

December 2, 2003

Urgent Attention Required

Tennessee Telephone Co
LNP Contract Mgr
5265 Murfreesboro Rd,
Knoxville, TN 37922

Dear LNP Contract Manager

Cingular Wireless LLC, on behalf of its wireless subsidiaries and affiliates ("Cingular"), is requesting the provisioning of portability with your company and subsidiaries and affiliates ("Company") for end users within the Top 100 MSAs effective November 24, 2003 and in markets outside the Top 100 MSAs by May 24, 2004 in accordance with the FCC's Wireless Number Portability Orders

Enclosed are Cingular's documents to facilitate the negotiation and porting process between Cingular and your Company

- 1 Trading Partner Profile
- 2 Bona Fide Request (BFR)

The FCC's recent Order dated November 7, 2003 requires wireline/wireless carriers to port with each other with or without an agreement. The FCC indicates that absent an agreement, carriers need only share basic contact and technical information sufficient to perform the port. The Trading Partner Profile (Enclosure 1) contains Cingular's company codes, port center and technical contacts, basic porting information and operating procedures. Cingular requests you to provide basic technical and operation contact information from your Company so we can enter it into our IT porting processes and provide to port support personnel. Exchanging such information is needed to facilitate porting and resolve conflicts with the porting process.

If your Company wishes to negotiate an agreement, please let me know and I will send our generic industry standard SLA.

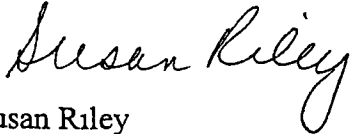
Cingular has received requests and will be porting capable in its service areas within the Top 100 markets by 11/24/03 and outside the Top 100 by 5/24/04. Cingular is requesting your Company to provide portability in the switches identified in the BFR (Enclosure 2).

Attachment to Response # 10
to TRA's Data Request dated
January 14, 2004
Docket No. 03-00633

If your Company has not received a BFR for a specific market, Cingular is requesting that you identify the market and provide a list of these respective switches. We request that you complete the attached form and return it to the undersigned contact for Cingular within 10 days of receipt.

Thank you for your prompt attention and providing the Trading Partner Profile and other requested information. If you have any questions, please don't hesitate to call.

Sincerely,



Susan Riley
Sr. Interconnection Manager
Supply Chain Management
5565 Glenridge Connector, Suite 1520
Atlanta, GA 30342
Phone (404) 236-6902
Fax (404) 236-6093
Email susan.riley@cingular.com

Enclosures

Bonafide Request Form (BFR)

Purpose This form is used to request deployment of long-term Local Number Portability as defined in the FCC mandates (CC Docket 95-116) Specifically, this form requests that **ALL** codes be opened for portability within the Metropolitan Statistical Areas and wireline switch CLLI codes designated below This form may be used for both wireless and wireline requests

TO (RECIPIENT):

Company Name Tennessee Telephone Co

Contact Name LNP Contract Mgr

Contact's Address 5265 Murfreesboro Rd , Knoxville,
TN 37922

Contact's Email.

Contact's Fax

Contact's Phone 423-681-4208

FROM (REQUESTOR):

Company Name. Cingular Wireless

Contact Name Susan Riley

Contact's Address 5565 Glenridge Connector,
Suite 1520, Atlanta, GA 30342

Contact's Email: susan.riley@cingular.com

Contact's Fax: (404) 236-6262

Contact's Phone (404) 236-6902

Timing:

Date of Request December 2, 2003

Receipt Confirmation Due By. December 12, 2003 (Due no later than 10 days after the Date of Request)

Effective Date May 24, 2003 (Not less than 6 months from the Date of Request)

Designated Metropolitan Statistical Areas (MSAs):

Note MSAs refer to the U S Census Bureau MSAs These may differ from the MSAs as separately defined by the wireless or wireline industries

1st MSA _____

4th MSA: _____

2nd MSA: _____

5th MSA: _____

3rd MSA: _____

6th MSA: _____

Designated Wireline Switch CLLI Codes:

(CLLI - Common Language Location Identifier)

1st CLLI (see attached list) _____

4th CLLI _____

2nd CLLI _____

5th CLLI _____

3rd CLLI: _____

6th CLLI _____

Actions Required of the Recipient:

- 1 Within 10 days of receipt, provide confirmation to the requestor that this form has been received
- 2 For **all** currently released codes, and those to be released at any future time, within the designated U S Census Bureau MSAs and wireline switch CLLI codes (where applicable), open **all** for porting within the LERG
- 3 For **all** currently released codes, and those to be released at any future time, within the designated U S Census Bureau MSAs and wireline switch CLLI codes (where applicable), open **all** for porting within the NPAC (Number Portability Administration Center)
- 4 - Ensure that all switches handling codes within the designated MSAs are Local Number Portability capable

LATA NAME	NPA	NXX	LNP	OCN	OCN NAME	ST	SWITCH	Top 100
MEMPHIS TENNESSEE	731	586	N	575	TENNESSEE TELEPHONE CO	TN	BCTNXXARS0	NO
MEMPHIS TENNESSEE	731	852	N	575	TENNESSEE TELEPHONE CO	TN	DCVLTXARS0	NO
MEMPHIS TENNESSEE	731	847	N	575	TENNESSEE TELEPHONE CO	TN	PRSTNXADS1	NO
MEMPHIS TENNESSEE	731	549	N	575	TENNESSEE TELEPHONE CO	TN	SCHLTNXARS0	NO
MEMPHIS TENNESSEE	731	858	N	575	TENNESSEE TELEPHONE CO	TN	SRDSTNXARS1	NO
NASHVILLE TENNESSEE	931	676	N	575	TENNESSEE TELEPHONE CO	TN	CFNTNXARS0	NO
NASHVILLE TENNESSEE	931	724	N	575	TENNESSEE TELEPHONE CO	TN	CNWDTXADS1	NO
NASHVILLE TENNESSEE	931	293	N	575	TENNESSEE TELEPHONE CO	TN	COVLTNXARS0	NO
NASHVILLE TENNESSEE	931	593	N	575	TENNESSEE TELEPHONE CO	TN	LBVLTNXARS0	NO
NASHVILLE TENNESSEE	931	589	N	575	TENNESSEE TELEPHONE CO	TN	LNDRNTNXARS0	NO
NASHVILLE TENNESSEE	931	722	N	575	TENNESSEE TELEPHONE CO	TN	WYBOTNXADS1	NO

Lowrance, Linda N.

From Mottern, Bruce H
Sent Friday, April 26, 2002 11 12 AM
To Lowrance, Linda N
Subject FW: US LEC Exchanges for LNP at TDS - Tennessee

Linda - Ed's email Bruce

-----Original Message-----

From Griffin, Edward [mailto:egriffin@uslec.com]
Sent Friday, April 26, 2002 11 10 AM
To Bruce Mottern (E-mail)
Subject US LEC Exchanges for LNP at TDS - Tennessee

Bruce,

In answer to your question concerning the TDS companies and exchanges we have identified as needing Local Number Portability are

Concord Telephone Exchange	Concord
Tennessee Telephone	Mt Juliet, LaVergne, Halls
Crossroads	

It appears that Mt Juliet is a host switch, I assume from past experience that its remotes can be made portable with only a LERG change

I'll be looking for your marked up agreement on Thursday, May 2

Ed

Edward H Griffin
Manager - ICO & Wireless Interconnect
US LEC Corp

Phone 704-319-1476
Fax 704-602-1476
egriffin@uslec.com

Attachment to Response # 10
to TRA's Data Request dated
January 14, 2004
Docket No 03-00633

North Central Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 1: Has the company previously petitioned the FCC or the TRA requesting an extension of time, or a modification of the FCC's rules regarding number portability? If so, a copy of each company's filings should be provided with the response.

Answer: Yes On September 24, 2003, the company filed a Petition for Waiver seeking an extension of time of the November 24, 2003 LNP deadline. The Petition was supplemented on December 8, 2003. The FCC's disposition of the Petition placed North Central with all of the other local exchange carriers that serve less than two percent of the nation's subscriber lines for which it extended the deadline, until May 24, 2004, to implement intermodal number portability. *See In the Matter of Telephone Number Portability. Order, CC Docket No. 95-116, FCC 04-12 (rel. Jan. 16, 2004)* Copies of the filings are attached.

**North Central Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004**

Question 2: Identify, by company, the switch designation(s), and exchange(s), for which the petition of suspension of the FCC's rules is being sought.

Answer:	<u>Switch Designation</u>	<u>Exchanges</u>
	OKGVTNXADSO	615-362
	OKGVTNXARS5	615-888
	WMLDTNXARS5	615-644
	BTHPTNXARS5	615-841
	GNGVTNXARS5	615-655
	LFYTTNXADS1	615-666, 615-688
	PLSHTNXARS5	615-677
	RBSPTNXARS5	615-699
	DFTDTNXARS5	615-774
	HLDLTNXARS5	615-633

North Central Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 3: Identify and describe the specific equipment, software, programming or other technical issues that make number portability technically infeasible for each company.

Answer: The company's Nortel switch currently does not support the ability to port numbers to another carrier. Accordingly, software upgrades to the switch would be required. Additional arrangements would need to be made with the database provider, NPAC. The specific methodology by which the parties will physically exchange ported traffic is still unknown.

North Central Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 4: For each piece of equipment and/or software item that is required, identify the costs to each company to purchase, install and test each item necessary for the implementation of local number portability capability.

Answer: Nortel estimates that it would charge approximately \$125,000 for the necessary software to comply with the number portability requests. Costs related to the way the companies will physically exchange ported traffic are unknown.

North Central Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 5: Identify the costs of each company, if any, of any contract(s) that must be entered into to participate in number portability. (Any costs or contract(s) considered required should not include interconnection agreements.)

Answer: Costs related to the database provider are as follows:

One-time setup costs	\$ 2000
Recurring monthly costs	\$ 800 (\$9600 annually)

**North Central Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004**

Question 6: Identify any administrative function(s) change(s), internal and external to the company, and the costs incurred to implement the change(s). (Administrative changes would include additional personnel, office equipment and etc.)

Answer: It is unknown whether many of the company's customers will request porting of their numbers to wireless carriers. Accordingly, administrative costs cannot be projected at this time.

North Central Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 7: Identify each company's total cost to implement local number portability.

Answer: \$127,000 one time costs, \$800 monthly costs

North Central Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 8: Provide the number of access lines each company has in service.

Answer: The company serves 16,532 access lines in the State of Tennessee.

North Central Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 9: Identify, by company, if the FCC authorized local number portability charge, as a regular monthly charge, is being imposed? If a LNP charge is being imposed by any company, how much is the monthly charge and when did the charge begin to show on customer's billing invoices for each company?

Answer: The company is not imposing the FCC authorized local number portability charge on subscribers to the company's incumbent local exchange operations in the State of Tennessee

North Central Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 10: Identify, by company, if there have been any previous requests from CLECs or Wireless Service Providers for number portability? Provide copies of those requests with the response.

Answer: The company has not received any requests from CLECs for number portability. The company has received correspondence purporting to be requests to implement number portability from the following Wireless Providers: Verizon Wireless, Sprint PCS, Cingular and AT&T Wireless. Copies of the purported requests and responses are attached.

North Central Telephone Cooperative, Inc.
Response to Data Requests of January 14, 2004

Question 11: Identify, by company, if the company can, or does, provide remote call forwarding, or like service features, as a subscription feature available to its consumers?

Answer: The company offers this feature, however should a customer forward their calls to a cell number that does not have local presence the customer would be charged a toll.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Telephone Number Portability

CC Docket No. 95-116

North Central Telephone Cooperative, Inc.
Petition for Waiver of Section 52.23(c)
of the Commission's Rules

To: Chief, Wireline Competition Bureau

PETITION FOR WAIVER

Pursuant to Sections 1.3, 1.925 and 52.23(e) of the Commission's Rules,¹ North Central Telephone Cooperative, Inc. (the "Company") hereby requests waiver or temporary extension of the requirement for local exchange carriers ("LECs") to implement "number portability,"² within six months after a request by a Commercial Mobile Radio Service ("CMRS") provider, as set forth in Section 52.23(c) of the Commission's Rules, to the extent necessary.³ The current uncertainty regarding interpretation of porting rules, as well as implementation conundrums, requires the Company, out of abundance of caution, to seek the instant relief on this last day for

¹ 47 C.F.R. §§ 1.3, 1.925 and 52.23(e)

² The Communications Act of 1934, as amended (the "Act") defines number portability as "the ability of users of telecommunication services to retain, *at the same location*, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another" 47 U.S.C. § 153 (30) (emphasis added). See also 47 C.F.R. § 52.21(p) (FCC quoting the Act's "service provider portability" definition). As explained herein, it is unclear whether the requests received from the CMRS providers comply with these applicable definitions.

³ 47 C.F.R. § 52.23(c). The Company received two requests to implement number portability by November 24, 2003 (the "WLNP Deadline").

such a request pursuant to the Commission's Rules.⁴ As demonstrated herein, waiver is warranted because the application of the Rule to the Company would be unduly burdensome and contrary to the public interest. To further the public interest, the Company proposes a specific deployment schedule based upon representations made by its switch vendor and commits to submitting quarterly reports to inform the Commission of its progress toward compliance.

I. Background

A. The Company is a Small Rural Cooperative

The Company is a rural telephone company as defined by the Act⁵ and is organized as a cooperative.⁶ The Company has less than 17,000 access lines. Accordingly, it satisfies the criteria set forth in Section 251(f)(2), which provides in pertinent part, that LECs "with fewer than two percent of the Nation's subscriber lines installed in the aggregate nationwide may petition a state commission for a suspension or modification"⁷ of the number portability

⁴ As explained herein, the Company seeks a one-year extension following clarification of its obligations and confirmation that the requests are valid.

⁵ 47 U.S.C. §153(37) The Company provides telephone exchange service, including exchange access, to fewer than 50,000 access lines and serves a study area of fewer than 100,000 access lines. See 47 U.S.C. §§153(37)(B) and (C).

⁶ See, *Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures Second Order on Reconsideration of the third Report and Order and Order on Reconsideration of the Fifth Report and Order*, WT Docket No. 97-82, FCC 03-98 (rel. May 8, 2003), Joint Separate Statement of Chairman Michael K. Powell and Commissioner Jonathan S. Adelstein ("Rural Telephone Cooperatives are a vital and distinctive link in achieving our telecommunications policy goals in rural America").

⁷ 47 U.S.C. §251(f)(2)

requirements.⁸ As of December 2002, approximately 188 million local telephone lines were in service nationwide.⁹ In the aggregate, the Company provides services to 16,532 access lines, far below the 2% threshold of 3.76 million access lines.¹⁰

B. The Company's Service Area and Operations Support the Requested Relief

The Company provides local exchange and exchange access services with the following counties in Tennessee: Macon, portions of Trousdale, portions of Sumner, portions of Clay and portions of Smith.¹¹ All of this service territory encompasses areas that are sparsely populated. As illustrated in Exhibit 1, the largest town in this service area has a population of approximately 3,885. The Company has 10 rate centers in its area. Only Sumner County is within the largest 100 metropolitan statistical areas ("MSAs"); however, the Company serves only the sparsely populated areas of this county.

C. Technical Hurdles

The requests from the CMRS providers constitute the Company's first experience with number porting. Implementing number portability is technically complicated, and requires ensuring that the proper arrangements are in place for handling end user traffic. As demonstrated

⁸ Section 251(b)(2) states that "The duty to provide, to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission." 47 U.S.C. §251(b)(2)

⁹ See "Federal Communications Commission Releases Study on Telephone Trends," FCC News Release (rel. Aug. 7, 2003)

¹⁰ The Company provides service in the state of Tennessee, a state that does not regulate LECs. Accordingly, the Company's only alternative for relief is to file this instant waiver petition with the Commission. The Company also provides service in the state of Kentucky. The requests, however, do not seek implementation of number portability for any of the Company's Kentucky exchanges.

¹¹ See company-specific information provided in Exhibit 1

herein, porting numbers to wireless providers increases this complexity.

As reflected by the information provided in attached Exhibit 1, the Company will experience significant expense, and require significantly more than six months, to equip its switch with porting capability.¹² As demonstrated herein, however, installation of number portability capability only partially resolves the issue – unresolved implementation problems render the provision of local number portability unduly economically burdensome and technically infeasible.

The Company has received requests from Sprint PCS and Verizon Wireless detailed on Exhibit 1 to implement portability by the WLNP Deadline. The Company, through counsel, responded to the CMRS providers, challenging the validity of their request for the following reasons:

- (1) The request seeks to obligate a local exchange carrier to port a wireline number to a wireless carrier that has the capability to allow the mobile subscriber to use the number outside the boundaries of the original rate center. Such an obligation would be considered “location” or “geographic” portability, an obligation that the FCC has already determined is not required by statute and would be contrary to the public interest.¹³ The Company requested the CMRS providers to provide any

¹² See Exhibit 1 noting that the Company’s estimates that its switch vendor, Nortel, would charge approximately \$50,000 for the necessary software to comply with the number portability requests and that it would take a minimum of six months to install and test the required upgrades.

¹³ The FCC has distinguished “service provider portability” (*see* n.2, *supra*) from “geographic location portability,” the latter of which is a much different form of portability that the FCC has determined is not required by statute. “Geographic location portability” is defined as “the ability of users of telecommunications services to retain

additional facts to demonstrate that the request is not for geographic location portability.

- (2) The request failed to demonstrate compliance with the FCC Rules that number portability is required only if requested by “another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate.”¹⁴

In its response, the Company sought assurance that the CMRS providers have viable service in the Company’s service territory or plan to provide such service. Furthermore, the Company noted that there is no local interconnection in place between it and the CMRS providers, demonstrating the absence of the CMRS providers’ local presence and any indication of their “plans to operate” within the area.

To date, the CMRS providers either have not responded or have provided non-responsive answers to these challenges.

II. Waiver is Warranted

The standard for grant of a waiver of the Commission's Rules is that “in view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no

existing telecommunications numbers without impairment of quality, reliability, or convenience *when moving from one physical location to another* ” 47 C.F.R. §52.21(i)(emphasis added).

¹⁴ 47 C.F.R. §52.23(c).

reasonable alternative.”¹⁵ Waiver is appropriate “if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest.”¹⁶ Additionally, requests for waiver of the FCC’s number portability rules must demonstrate the following:

- (1) The facts that demonstrate why the carrier is unable to meet the deadline;
- (2) A detailed explanation of the activities that the carrier has undertaken to meet the implementation schedule prior to requesting an extension of time;
- (3) An identification of the particular switches for which the extension is requested;
- (4) The time within which the carrier will complete deployment in the affected switches; and
- (5) A proposed schedule with milestones for meeting the deployment date.¹⁷

The Company’s waiver request meets these standards.

A. Application of the Rule to the Company Would be Unduly Burdensome and Contrary to the Public Interest

Application of the requirement to implement number portability by the WLNP Deadline would impose a requirement that is unduly economically burdensome. As a small and rural telephone company, the Company has a limited customer base over which to spread its costs.¹⁸

As noted herein, these costs are significant. The decision to incur them becomes even more

¹⁵ 47 C.F.R. § 1.925(b)(3)(ii)

¹⁶ *Northeast Cellular Telephone v. FCC*, 897 F 2d 1164, 1166 (D.C. Cir. 1990) (citing *WAIT Radio v. FCC*, 418 F 2d 1153 (D C Cir 1969))

¹⁷ 47 C F R § 52 23(e)

¹⁸ *See In the Matter of Numbering Resource Optimization, Implementation of the Local Competition Provisions of the Telecommunications Act of 1996 Third Report and Order and Second Order on Reconsideration in CC Docket No 96-98 and CC Docket No 99-200*, 17 FCC Rcd 252, 262 (2001) (“*Numbering Resource Decision*”) (The per line cost of implementing the technology for number pooling, which is the same technology that is used to implement number portability would “be significantly higher for small and rural carriers operating outside of the largest 100 MSAs than for carriers operating inside urban and metropolitan areas because of these carriers’ limited customer bases”)

difficult to justify when weighed against the few, if any, public benefits that may be gained by attempting to implement the capability to port numbers to the CMRS provider. The same balancing of competing interests was addressed previously and the decision was made that smaller LECs, like the Company need not expend scarce resources.

When the FCC initially promulgated its number portability rules, it agreed with commenters that requiring rural LECs to provide number portability where no competitor has requested such function would "burden rural LECs significantly without benefiting the public by increasing competition."¹⁹ Accordingly, the Commission determined to limit deployment of portability "to those switches for which a competitor has expressed interest in deployment."²⁰ The Commission further found that if competition is not imminent in the areas covered by rural/smaller LEC switches, "then the rural or smaller LEC will not receive requests from competing carriers to implement portability, and thus will not need to expend its resources, until competition actually develops in its service area."²¹

To the Company's knowledge, however, the requesting CMRS providers are not providing a competitive alternative to the local exchange service offered by the Company. The mobile service being provided is, at best, a complementary service since the Company is not

¹⁹ *In the Matter of Telephone Number Portability First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, 7298-99, 7301 (1997) ("*Number Portability Reconsideration*")

²⁰ *Id.* at 7301, *see also* 47 C.F.R. §52.23(c) ("Beginning January 1, 1999, all LECs must make a long-term database method for number portability available within six months after a specific request by another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate")

²¹ *Number Portability Reconsideration*, 12 FCC Rcd at 7302

aware of any customer eliminating its wireline service based on the wireless service that the CMRS providers offer. Even assuming the CMRS providers were able to demonstrate that they cover the Company's service territory, there is no indication that any of the Company's subscribers have an interest in substituting their wireline phone, particularly where a wireless phone may very well have intermittent service in rural areas. Accordingly, if required to implement intermodal number portability, the Company would be severely economically burdened, and the public would recognize few, if any, benefits.

Second, to require the Company to implement number portability by the WLNP Deadline would impose a requirement that is technically infeasible. As attested to in Exhibit 1, the Company estimates that it will take a minimum of six months from the initial order date to install and test the required hardware and software upgrades. Even if installation of the necessary equipment to achieve portability could be accomplished by the WLNP Deadline, implementation of that capability does not, absent the establishment of terms and conditions with the CMRS provider, address all of the potential technical or implementation issues. The resolution of these issues, however, can be established only through the process of negotiating an interconnection agreement, a process that the CMRS provider has not sought. Furthermore, the uncertainty surrounding the undecided implementation issues still pending before the FCC exacerbates an already complicated process.²²

²² Wireless Telecommunications Bureau Chief, John Muleta, has stated his intention to address pending issues regarding number portability "well in advance of the Nov. 24 LNP deadline." "FCC Officials Press Wireless Firms to Move Ahead on LNP Deployment," TR Daily, Sept 8, 2003 ed. As of the date of this filing, however, matters regarding intermodal porting are still pending before the Commission. *See, e.g., Comment Sought on CTIA Petition for Declaratory Ruling that Wireline Carriers Must Provide Portability to Wireless Carriers Operating*

Third, imposition of the WLNP Deadline would be contrary to the public interest in that it would have a significant adverse economic impact on users of telecommunications services generally. As demonstrated herein, the costs of implementing the number portability are significant, not only with respect to the deployment of the hardware and software necessary to achieve porting capability, but also with respect to ongoing data costs and administration processes, and the establishment of the proper arrangements among the affected carriers.

Initial and on-going costs incurred to satisfy the request of the CMRS provider ultimately are recovered through rates paid by the Company's customers. Compounding the adverse effect of this result is the fact that most of these customers will receive no benefit from the provision of intermodal number portability. The Company has yet to receive even an inquiry, let alone a request from a customer, seeking to disconnect his/her wireline service and have his/her number ported to a CMRS provider. In any event, the Company anticipates that the ultimate number of subscribers wishing to port to wireless carriers would be very limited. Accordingly, all of the subscribers of the Company would be adversely impacted by an increase in rates in order to accommodate the request of the CMRS provider.²³

B. Grant of This Waiver Serves the Public Interest

By granting the requested temporary extension, the Commission would avoid the

Within Their Service Areas, Public Notice, CC Docket No 95-116, DA 03-211 (rel January 27, 2003) (FCC seeking comment on CTIA's petition seeking a ruling that LECs have an obligation to port their customer's telephone numbers to CMRS providers whose service area overlaps the LEC's rate centers).

²³ See also *Numbering Resource Decision*, 17 FCC Rcd at 262 (Imposing the cost of implementing the technology for number pooling, which is the same technology that is used to implement number portability on smaller and rural carriers "may delay efforts to bring advanced services to rural subscribers")

potential waste of resources or, at the very least, diminish the waste that would occur in the absence of the FCC clarifying issues related to wireline-to-wireless number portability. Until the uncertainty surrounding the implementation of LEC-CMRS porting is resolved, however, the obligations of LECs are unclear, and subject to the erroneous interpretation that they are obligated to implement a version of number portability is not required by the Act or applicable FCC rules. CMRS providers' requests appear to seek wireline-to-wireless number porting without any conditions regarding the geographic limitations for number utilization. For mobile telephones, this constitutes, by definition, "geographic location portability," an obligation imposed by neither the Act nor applicable FCC's Rules.

Section 251(b)(2) of the Act requires all LECs to "provide to the extent technically feasible, number portability in accordance with requirements prescribed by the Commission."²⁴ The Act defines number portability as "the ability of users of telecommunication services to retain, *at the same location*, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."²⁵ In promulgating its number portability rules, the Commission cited this definition and determined that the Act requires *service provider portability but not geographic location portability*.²⁶ The FCC defined "service provider portability" as "the ability of end users to

²⁴ 47 U.S.C. §251(b)(2)

²⁵ 47 U.S.C. §153(30) (emphasis added)

²⁶ See *In the Matter of Telephone Number Portability First Report and Order and Further Notice of Proposed Rulemaking*, 11 FCC Rcd 8352, 8447 (1996) ("Number Portability Decision")

retain the same telephone numbers (that is, the same NPA and NXX codes and the same line numbers) when changing from one service provider to another.”²⁷ In contrast, “geographic location portability” is “the ability of end users to retain the same telephone numbers *when moving* from one location to another, either within the area served by the same central office or between areas served by central offices.”²⁸

In its *Number Portability Decision*, the FCC determined that mandating carriers to implement location portability was not in the public interest,²⁹ but permitted state regulatory bodies to make the determination on a state-by-state basis.³⁰ As part of this decision, the FCC noted its concerns regarding the significant implementation issues arising from geographic location portability. Specifically, the Commission found that, among other reasons, imposing location portability at this time would cause consumer confusion by the loss of the geographic identity of the telephone number. As a result, customers would not know whether they were making a call to a nearby location or to a distant location, and may not know whether the call

²⁷ *In the Matter of Telephone Number Portability, Notice of Proposed Rulemaking*, 10 FCC Rcd 12350, 12355 (1995).

²⁸ *Id.* at 12356 (emphasis added).

²⁹ *Number Portability Decision*, 11 FCC Rcd at 8449. The FCC also determined that it may decide to mandate implementation of geographic location portability in the future “if it would be in the public interest” and noted that carriers may provide geographic location portability “consistent with this Order” if they so choose. *Id.* at 8447. The FCC has not done so and the Company is not aware of any LEC that has purposefully implemented ubiquitous geographic location portability.

³⁰ *Id.* at 8449. The Company is not aware of any Commission decision requiring geographic location portability nor of any proceeding that would have developed the necessary facts to provide a sustainable public policy determination that geographic location portability should be required.

would be subjected to toll charges.³¹ With the change in location, LECs' service offerings, switching, and routing of originating calls to the ported number would need to be changed.³² The FCC also noted that commenting parties observed that location portability would create unnecessary and burdensome costs on carriers and on directory, operator, and emergency services providers.³³

If a number is ported from a LEC to a CMRS provider that provides mobile telephone service in areas outside of the LEC service territory through its own system and/or through roaming agreements, the ported telephone number can be used beyond the LEC service area. For the vast majority of CMRS providers and mobile users, the number will be used for service at locations well beyond the original rate center.³⁴ By definition, therefore, this type of porting allows use beyond "the same location,"³⁵ and, instead, permits the mobile user to make and receive calls "when moving from one location to another," specifically constituting geographic

³¹ *Id.* at 8448

³² *See id.* at 8449 (citing the New York Department of Public Service's observation that the only way to avoid the customer confusion which would result from location portability was to limit location portability to a rate center)

³³ *Id.* at 8444-8445

³⁴ The only exception may be where a CMRS carrier operates as a LEC and confines its mobile user to the specific rate center area. Most CMRS carriers do not currently provide such service. As examples of CMRS carriers that may operate in such a manner, *see In the Matter of Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993; Annual Report and Analysis of Competitive Market Conditions With Respect to Commercial Mobile Services Sixth Report*, FCC 01-192 at 33-34 (rel. July 17, 2001) (FCC referencing CMRS providers who are offering service plans "designed to compete directly with wireline local telephone service" and providing examples of wireless carriers such as Leap that do not permit subscribers to roam)

³⁵ *See* 47 U.S.C. §153(30)

location portability.³⁶

Grant of the extension request would allow rational public policy decision-making without a “rush-to-judgment” based on the impending WLNP Deadline. The Commission could ensure that number portability is implemented in a manner consistent with known and documented procedures pursuant to an agreement that clearly defines the rights and responsibilities of the two parties involved – the Company and the CMRS provider. Ultimately, however, since the costs associated with all of the uncertainty associated with this issue would be recovered through the rates charged to customers, the public interest would be served by avoiding such recovery until and unless and to the extent required.

C. The Criteria For Obtaining Waiver of Number Portability Requirements are Satisfied

The Company respectfully submits that each of the four criteria necessary for obtaining extension of the WLNP Deadline is met. First, as demonstrated in herein, the Company is unable to meet the deadline due to the extensive upgrades which must be incurred in order for it become number portable-capable. According to its switch vendor, it will take a minimum of six months and approximately \$50,000 to make the necessary upgrades. In addition to the upgrades, unresolved implementation problems and the necessity of negotiating an interconnection agreement could not be accomplished by the WLNP Deadline

Second, the Company has made diligent efforts to meet the implementation schedule prior to requesting an extension of time. As stated in Exhibit 1, upon receipt of the requests, the

³⁶ *Number Portability Decision*, 11 FCC Rcd at 8443

Company, upon advice of counsel, challenged their validity. One CMRS provider, Sprint PCS, has yet to respond to the challenge. The other, Verizon Wireless, has provided a generic response that does not address the issues raised in the challenge. The Company also contacted Nortel to determine cost estimates and length of time it would take to become compliant. Before placing any orders with Nortel, however, the Company prudently has chosen to obtain verification of the validity of the requests, especially given the significant effects that the cost of implementation would have on the small subscriber base and the little, if any benefits that the public would receive.

Third, the Company provides a list of the CLLI codes of the switches for which the extension is requested: OKGVTNXADS0, OKGVTNXARS5, WMLDTNXARS5, BTHPTNXARS5, GNGVTNXARS5, LFYTTNXADS1, PLSHTNXARS5, RBSPTNXARS5, DFTDTNXARS5, HLDLTNXARS5.

Fourth, the Company states that it plans to complete deployment in the affected switches within one year following the clarification of its obligations and confirmation that the requests are valid.

Fifth, the Company will provide the Commission with quarterly progress reports during this temporary extension period informing the Commission as to the purchase and installation of the upgrades, progress towards negotiation of interconnection arrangements and other arrangements necessary for successful implementation of intermodal number portability

III. Conclusion


For the reasons demonstrated herein, prompt action on this request will not only serve the public interest, but can also ensure that the interest of the rural end users served by the Company are not adversely affected by implementation of number portability. Moreover, the Commission can ensure prudent utilization of scarce resources pending the Commission's provision of the necessary guidance regarding issues pertaining to intermodal number portability.

Accordingly, the Company respectfully request that the Commission grant this Petition.

Respectfully submitted,

North Central Telephone Cooperative, Inc.

By:


Sylvia Lesse
John Kuykendall
Its Attorneys

Kraskin, Lesse & Cosson, LLC
2120 L Street, NW, Suite 520
Washington, DC 20037
(202) 296-8890

September 24, 2003

EXHIBIT 1
North Central Telephone Cooperative, Inc.
Petition for Waiver, September 24, 2003
Page 1 of 2

North Central Telephone Cooperative, Inc. ("NCTC") operates 16,532 access lines in the State of Tennessee. NCTC is a rural telephone company as that term is defined under the Communications Act of 1934, as amended because it provides telephone exchange service, including exchange access, to fewer than 50,000 access lines and serves a study area of fewer than 100,000 access lines. In addition, its access lines count is less than 2% of Federal Communications Commission ("FCC") reported local telephone lines in service nationwide as of December 2002. The FCC's reported number was approximately 188 million, and NCTC's 16,532 access lines is far below the 2% threshold of 3.76 million access lines.

NCTC provides service to the following counties in Tennessee: Macon, Portions of Trousdale, Portions of Sumner, Portions of Clay, and Portions of Smith. Our service area is predominantly rural, with the largest town having a population of approximately 3,885 in Lafayette, TN. NCTC has 10 rate centers and utilizes the 633, 644, 655, 666, 677, 688, 699, 774, 841, and 888 codes deployed in its host/remote switching configurations. Only Sumner County is within the largest 100 metropolitan statistical areas; however, NCTC serves only the sparsely populated areas of this county

NCTC's service area is predominantly rural. A large portion of this service territory encompasses areas that are sparsely populated. The total population of the five counties within our service area, based on recent statistics, is approximately 16,530. Thus, the counties that NCTC operates within are only 2.9% of the population of the most populous county in the state, Davidson County, which contains the Nashville metropolitan area. From a business demographic perspective, employment in NCTC's service area is driven primarily by agriculture and light industry.

A. NCTC's Technical Hurdles

NCTC has deployed a Nortel switch. The company estimates that it would cost approximately \$50,000 to deploy the necessary software upgrades in order to ensure a seamless transition to a number porting environment and that it would take approximately six months from the initial order date to install and test the required upgrades. Even assuming that installation of number portability capability is achieved, that installation only partially resolves the issue. Unresolved implementation problems render the provision of local number portability unduly economically burdensome and technically infeasible. For example, NCTC does not know how routing, rating and recording of the end user traffic related to any number porting will be achieved, let alone the full extent of the "back office" functions that will be required (including data storage and processing) to implement such a requirement properly.

B. The Requests for Porting Numbers to a Wireless Provider

NCTC received the attached requests to implement wireline to wireless portability by November 24, 2003. Also attached is the response to these requests authorized by NCTC. To date, Sprint has not responded to this request, and Verizon has provided non-responsive answers to these challenges. As indicated, the validity of the requests received from Verizon Wireless and Sprint PCS were challenged for the following reasons:

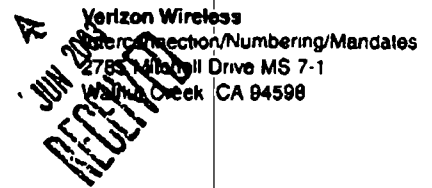
- (1) The request seeks to obligate us to port our numbers to a wireless carrier that, in turn, affords that carrier the capability to allow its mobile subscriber to use the number outside the boundaries of our original rate center. In our view, that result would be considered "location" or "geographic" portability, which we understand to be an obligation that the FCC has already determined is not required by statute and would be contrary to the public interest. Therefore, NCTC requested Verizon and Sprint to provide any additional facts to demonstrate that their respective requests are not for geographic location portability.
- (2) The request failed to demonstrate compliance with the FCC Rules that number portability is required only if requested by "another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate."¹ In its response, NCTC sought assurance that the CMRS providers have viable service in NCTC's service territory or plan to provide such service. Furthermore, the Company noted that there is no local interconnection in place between it and the CMRS provider, demonstrating the absence of the CMRS provider's local presence and any indication of its "plans to operate" within the area.

¹ 47 C.F.R. §52.23(c).



May 28, 2003

North Central Tel Coop
PO Box 70
Lafayette, TN 37083



Attn: F Rowland,

Consistent with the rules of the Federal Communications Commission ("FCC"), on November 24, 2003, Verizon Wireless will begin competitive porting by offering customers local number portability ("LNP")²³³. The FCC sought to simplify the task of identifying the switches in each MSA in which number portability is deployed and to facilitate competitive entry²³⁴. The FCC's rules require local exchange carriers to make available, upon request by any interested party, a list of their switches for which provisioning of number portability has been requested (and therefore provided) and a list of their switches for which provisioning of number portability has not been requested²³⁵. Verizon Wireless requires only a list of switches and NPA-NXX codes for which provisioning of LNP has not been requested.

Verizon Wireless has simplified this request by attaching a form containing a list of switches and codes for your review. This list was derived by using the LERG and comparing it to Verizon Wireless's licensed service areas. The list identifies the switch CLLI and NPA-NXX codes that Verizon Wireless believes are not yet LNP capable. Please review and update the attached form, making any necessary changes or additions to the list regarding switches and codes that have not been marked portable. Please indicate the date by which the switch and codes will be LNP capable²³⁶. Any comments can be made in the column provided on the form.

Verizon Wireless requests that you review, update and return the attached form to the undersigned contact within 10 days of receipt. Please call the undersigned with any questions or concerns.

Linda Godfrey
Verizon Wireless
Interconnection, Numbering and Mandates

925-279-6570

Enclosures

²³³ See 47 C.F.R. § 52.31

²³⁴ Local Number Portability, *First Memorandum Opinion and order on Reconsideration*, 12 FCC Rcd 7236, ¶¶59-66 (1997).

²³⁵ *Id.* at ¶64, 47 C.F.R. § 52.23(b)(2)(iii)

²³⁶ The timeframes for conversion to LNP of any additional switches are governed by the FCC's rules and range from 30 days to 180 days, depending upon the status of the switches (i.e., equipped remote, hardware capable, capable switches requiring hardware, and non-capable). 47 C.F.R. § 52.23 (b)(2)(iv)(A-D)

Bonafide Request Form (BFR)

Purpose:

The purpose of this letter is to request the deployment of long-term Local Number Portability as defined by the FCC. Specifically, this form requests that ALL codes serving the Metropolitan Statistical Areas be opened for portability in the LERG and the NPAC and ALL switches serving these areas are LNP capable.

Note: MSAs refers to the identified U.S. Census Bureau MSAs for 2000. These may differ from the MSAs as separately defined by the wireless or wireline industries. In those instances where no MSA has been identified, please reference Rate Center to ensure switches and NPA-NXXs serving those areas are opened for porting.

TO (RECIPIENT):

If LERG contact info is
incorrect, please change below

Company
Name: _____

Contact Name: _____

Contact's Address: _____

Contact's

Email: _____

Contact's Fax: _____

Contact's Phone: _____

FROM (REQUESTOR):

Company Name: Cellco Partnership d/b/a
Verizon Wireless

Contact Name: Linda Godfrey

Contact's Address: 2785 Mitchell Drive
Walnut Creek, CA 94598
Building 7-1, 7111G

Contact's Email:
Linda.Godfrey@Verizonwireless.com

Contact's Fax: 925-279-6621

Contact's Phone: 925-279-6570

Timing:

Date of Request: May 19, 2003

Receipt Confirmation
Due By: May 29, 2003 (Due no later than 10 days after the date of the request.)

Effective Date: November 24, 2003 or May 24, 2004 pursuant to the FCC rules

**Wireline Bonafide Request form (BFR) for Local Number Portability North Central
Telephone Co-Op Nonportable NPA-NXXs and CLLIs**

COC TYPE	ST	RATE_CNTR	PORTABLE	NPA	NXX	Date NPA-NXX marked Portable	Comments	SOF 38-LNP	SWITCH	Date Portable	Comments
EOC	TN	WESTMORELD	N	615	644			-	WMLDTNXARS5		
EOC	TN	BETHPAGE	N	615	841			-	BTHPTNXARS5		
EOC	TN	OAK GROVE	N	615	888			X	OKGVTNXARS5		
EOC	TN	OAK GROVE	N	615	362			-	OKGVTNXADS0		
EOC	TN	GREENGROVE	N	615	655			-	GNGVTNXARS5		
EOC	TN	LAFAYETTE	N	615	666			-	LFYTTNXADS1		
EOC	TN	LAFAYETTE	N	615	668			-	LFYTTNXADS1		
EOC	TN	PLEASASHAD	N	615	677			-	PLSHTNXARS5		
EOC	TN	LAFAYETTE	N	615	688			-	LFYTTNXADS1		
EOC	TN	LAFAYETTE	N	615	688			-	LFYTTNXADS1		
EOC	TN	RDBOLNGSPG	N	615	699			-	RBSPTNXARS5		
EOC	TN	DEFEATED	N	615	774			-	DFTDTNXARS5		
EOC	TN	HILLSDALE	N	615	633			-	HLDLTNXARS5		

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

July 23, 2003

VIA E-MAIL & OVERNIGHT DELIVERY

Linda Godfrey
Interconnection, Numbering and Mandates
Verizon Wireless
2785 Mitchell Drive
Walnut Creek, CA 94598

Dear Ms. Godfrey:

Our firm represents several local exchange carriers that have received correspondence from Verizon Wireless regarding number portability.¹ Having analyzed the letters and accompanying forms (collectively, the Verizon Wireless mailings") sent to these companies, we question whether the mailings constitute a valid request for number portability. Moreover, even if the mailings were sufficient, the Verizon Wireless correspondence does not request service provider portability that would enable customers of these LECs to retain their existing telephone numbers "at the same location" as the Act and FCC Rules require.²

The mailings seek only switch information rather than request the implementation of number portability.³ The process of responding to the information request has been "simplified" by Verizon Wireless by allowing carriers to update the attached form, which has been provided for this purpose. This attachment is comprised of a generic form with no carrier or market information indicated and a spreadsheet containing the switch information referenced in the letter. Accordingly, the mailing fails to "specifically request portability" and "identify the discrete geographic area" as required by FCC Rules.⁴ Furthermore, although the generic form

¹ A list of these companies is attached.

² See 47 U.S.C. § 153(30); 47 C.F.R. § 52.21(k).

³ According to the letter, the purpose of the mailing is pursuant to a specific FCC Rule which requires carriers to provide, upon request, "a list of their switches for which provisioning of number portability has been requested (and therefore provided)." The carriers on the attached list have either responded to this information request directly or we are responding on their behalf.

⁴ See *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability*:

specifies the date of the request as May 19, 2003, many of the letters are dated May 28, 2003 with postmark dates well into the month of June. Accordingly, if the mailing was intended to constitute a request for a LEC, which currently is not number portable-capable, to implement number portability by November 24, 2003, the request, in these instances, was not timely made.⁵

The mailing fails to indicate whether Verizon Wireless provides service within the companies' respective LEC service areas. The rules specify that number portability is required only if requested by "another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate."⁶ Furthermore, for most of the companies, there is no local interconnection in place between Verizon Wireless and the LEC, demonstrating the absence of Verizon Wireless' local presence and any indication of its "plans to operate" within the area.

The Act and the FCC have defined the obligation of a LEC to provide number portability that enables the "users of telecommunication services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."⁷ If you have facts to indicate that Verizon Wireless plans to ensure that the customer retains his/her telephone number "at the same location" please provide us with those facts and we will reevaluate our analysis of the Verizon Wireless request on the basis of these facts.

While we and our clients recognize that pursuant to Section 252 of the Act, carriers are free to "negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of Section 251,"⁸ our clients at this time has no need or desire to negotiate an agreement that goes beyond

Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200, CC Docket Nos. 99-200, 96-98, 95-116 (rel. June 18, 2003) at para. 10 ("Requesting telecommunications carriers must specifically request portability, identify the discrete geographic area covered by the request, and provide a tentative date by which the carrier expects to utilize number portability to port prospective customers").

⁵ See 47 C.F.R. § 52.23(b)(2)(iv).

⁶ 47 C.F.R. § 52.23(c).

⁷ 47 U.S.C. § 153(30) (emphasis supplied); 47 C.F.R. § 52.21(k) (emphasis supplied). The FCC has distinguished this "service provider portability" from "location portability," a much different form of portability that the FCC has determined is not required by statute. "Location portability" is defined as "the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one physical location to another." 47 C.F.R. § 52.21(i) (emphasis supplied).

⁸ 47 U.S.C. § 252(a)(1).

Ms. Linda Godfrey
July 23, 2003
Page 3

the standards the FCC has set forth pursuant to Section 251. As noted, the geographic portability that would result from the Verizon Wireless request has not been required by the FCC under Section 251.

Again, we would be pleased to review any additional facts Verizon Wireless may offer to demonstrate that its request is not for geographic number portability.

Sincerely,

Kraskin, Lesse & Cosson, LLC

By: 

Attachment

ATTACHMENT

**List of Companies Represented by Kraskin, Lesse & Cosson, LLC in Matters
Pertaining to Correspondence From Verizon Wireless Regarding Number Portability**

North Central Telephone Cooperative, Inc



Sprint PCS

6580 Sprint Parkway
Mailstop: KSOPHW0516-5B360
Overland Park, KS 66251
(913) 794-9486
fromig01@sprintspectrum.com



May 16, 2003

To Whom It May Concern:

Enclosed is the Bonafide Request Form (BFR) as required by the FCC mandate (CC Docket 95-116) to request deployment of long term Local Number Portability. CMRS providers are required to provide LNP by November 24, 2003. This BFR is being sent in anticipation of that date. Please note the effective date requested reflects this requirement.

Please feel free to contact me at the numbers and email address provided above. Alternatively, you may contact Jeff Adrian at phone number (407) 622-4170 or at email address: jadna01@sprintspectrum.com if you need assistance.

Sincerely,

Fawn Romig
Industry Compliance and Operational Network Support
Numbering Solutions

Enclosure

Bonafide Request Form (BFR)

Purpose: This form is used to request deployment of long-term Local Number Portability as defined in the FCC mandates (CC

Docket 95-116). Specifically, this form requests that ALL codes be opened for portability within the Metropolitan Statistical Area and wireline switch CLLI codes designated below. This form may be used for both wireless and wireline requests.

TO (RECIPIENT):

OCN: 0573
Company Name: NORTH CENTRAL TELEPHONE
COOPERATIVE, INC - TN
Contact Name: F ROWLAND

Contact's Address:

PO BOX 70
LAFAYETTE TN 37083
Contact's Phone: 615-666-2151

FROM (REQUESTOR):

Company Name: Sprint PCS
Contact Name: Fawn Romig
Contact Name: Fawn Romig
Contact's Address: 6580 Sprint Parkway
Mailstop KSOPHW0516-5B360
Overland Park, KS 66210
Contact's Email: ffromig01@sprintpectrum.com
Contact's Fax: (913) 523-8333
Contact's Phone: (913) 794-9486

TIMING:

Date of Request: May 23, 2003
Receipt Confirmation Due By: June 9, 2003
Effective Date: November 24, 2003

Designated Wireline Switch CLLI Codes:

1st CLLI: OKGVTNXADS0
2nd CLLI: OKGVTNXARSS
3rd CLLI: WMLDTNXARSS
4th CLLI:
5th CLLI:
6th CLLI:

Designated Metropolitan Statistical Areas (MSAs):

Note: MSAs refer to the U.S. Census Bureau MSAs. These may differ from the MSAs as separately defined by the wireless or wireline industries.

MSA_NAME:

Nashville, TN

Actions Required of the Recipient:

1. Within 10 days of receipt, provide confirmation to the requestor that this form has been received.
2. For all currently released codes, and those to be released at any future time, within the designated U.S. Census Bureau MSAs and wireline switch CLLI codes (where applicable), open all for porting within the LERG.
3. For all currently released codes, and those to be released at any future time, within the designated U.S. Census Bureau MSAs and wireline switch CLLI codes (where applicable), open all for porting within the NPAC (Number Portability Administration Center).
4. Ensure that all switches handling codes within the designated MSAs are Local Number Portability capable.

Thursday, May 08, 2003

BFR Checklist Form v04 020204.doc

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N.W., Suite 520
Washington, D.C. 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

July 16, 2003

VIA E-MAIL & OVERNIGHT DELIVERY

Fawn Romig
Industry Compliance and Operational Network Support, Numbering Solutions
Sprint PCS
6580 Sprint Parkway
Mailstop: KSOPHW0516-5B360
Overland Park, Kansas 66210

Dear Ms. Romig:

In our letter dated June 9, 2003, and in subsequent e-mails and telephone conversations, we notified you of over seventy companies represented by this firm that have received correspondence from Sprint PCS regarding number portability.¹ Having analyzed the generic letter and accompanying form dated May 23, 2003 (collectively, the Sprint PCS "mailings") sent to these companies, we question whether the mailings constitute a valid request for number portability. Moreover, even if the mailings were sufficient, the Sprint PCS correspondence does not request service provider portability that would enable customers of these LECs to retain their existing telephone numbers "at the same location" as the Act and FCC Rules require.²

The geographic areas specified in the mailings are limited to Metropolitan Statistical Areas ("MSAs"). Twenty-eight of these companies, however, operate wholly outside of any MSA. Additionally, on forms sent to fourteen of the companies that serve within MSAs, no specific market was indicated.³ Accordingly, for these forty-two companies, the mailings fail to identify the "discrete geographic area" as required by the FCC.⁴

¹ An updated list of the companies that we represent in this matter is attached.

² See 47 U.S.C. § 153(30); 47 C.F.R. § 52.21(k).

³ The companies that operate wholly outside of any MSA and ones for which no specific market was indicated are specified with an asterisk on the attached list.

⁴ See *In the Matter of Numbering Resource Optimization; Implementation of the Local Competition Provisions of the Telecommunications Act of 1996; Telephone Number Portability: Fourth Report and Order in CC Docket No. 99-200 and CC Docket No. 95-116, and Fourth Further Notice of Proposed Rulemaking in CC Docket No. 99-200*, CC Docket Nos. 99-200, 96-98, 95-116 (rel. June 18, 2003) at para. 10 ("Requesting telecommunications carriers must specifically request portability, identify the discrete geographic area covered by the request, and

Further, in at least two instances, the request was sent to the wrong company⁵ and in many instances the switch information contained on the forms is incorrect.⁶ For example, one company received a mailing that identifies the switches of the company's affiliate rather than the company's switches.⁷

The mailing fails to indicate whether Sprint PCS provides service within the companies' respective LEC service areas. The rules specify that number portability is required only if requested by "another telecommunications carrier in areas in which that telecommunications carrier is operating or plans to operate."⁸ Furthermore, for most of the companies, there is no local interconnection in place between Sprint PCS and the LEC, demonstrating the absence of Sprint PCS' local presence and any indication of its "plans to operate" within the area.

The Act and the FCC have defined the obligation of a LEC to provide number portability that enables the "users of telecommunication services to retain, at the same location, existing telecommunications numbers without impairment of quality, reliability, or convenience when switching from one telecommunications carrier to another."⁹ If you have facts to indicate that Sprint PCS plans to ensure that the customer retains his/her telephone number "at the same

provide a tentative date by which the carrier expects to utilize number portability to port prospective customers").

⁵ Hancock Telephone Company located in New York received a mailing directed to Hancock Rural Telephone Cooperative located in Indiana and ComSouth Telecommunications, Inc. received a mailing directed to Hawkinsville Telephone Company, a company that no longer exists.

⁶ The FCC's orders and rules require local exchange carriers to implement number portability only "in switches for which another carrier has made a specific request" See, e.g., *In the Matter of Telephone Number Portability: First Memorandum Opinion and Order on Reconsideration*, 12 FCC Rcd 7236, 7273 (1997); 47 C.F.R. § 52.23(c).

⁷ Although the correspondence is addressed to Horry Telephone Cooperative, Inc., the form specifies switches which belong to an affiliated, but separate company, HTC Communications, Inc.

⁸ 47 C.F.R. § 52.23(c).

⁹ 47 U.S.C. § 153(30) (emphasis supplied); 47 C.F.R. § 52.21(k) (emphasis supplied). The FCC has distinguished this "service provider portability" from "location portability," a much different form of portability that the FCC has determined is not required by statute. "Location portability" is defined as "the ability of users of telecommunications services to retain existing telecommunications numbers without impairment of quality, reliability, or convenience when moving from one physical location to another." 47 C.F.R. § 52.21(i) (emphasis supplied).

Ms. Fawn Romig
July 16, 2003
Page 3

location" please provide us with those facts and we will reevaluate our analysis of the Sprint PCS request on the basis of these facts.

While we and our clients recognize that pursuant to Section 252 of the Act, carriers are free to "negotiate and enter into a binding agreement with the requesting telecommunications carrier or carriers without regard to the standards set forth in subsections (b) and (c) of Section 251,"¹⁰ our clients at this time has no need or desire to negotiate an agreement that goes beyond the standards the FCC has set forth pursuant to Section 251. As noted, the geographic portability that would result from the Sprint PCS request has not been required by the FCC under Section 251.

Again, we would be pleased to review any additional facts Sprint PCS may offer to demonstrate that its request is not for geographic number portability.

Sincerely,

Kraskin, Lesse & Cosson, LLC

By: 

¹⁰ 47 U.S.C. § 252(a)(1).

ATTACHMENT

**List of Companies Represented by Kraskin, Lesse & Cosson, LLC in Matters
Pertaining to Correspondence From Sprint PCS Regarding Number Portability**

North Central Telephone Cooperative, Inc - TN

DECLARATION OF F. THOMAS ROWLAND

I, F. Thomas Rowland, President and Chief Executive Officer of North Central Telephone Cooperative, Incorporated ("NCTC"), do hereby declare under penalties of perjury that I have read the foregoing "Petition for Waiver" and the attachment and that the information contained in both regarding NCTC is true and accurate to the best of my knowledge, information, and belief.

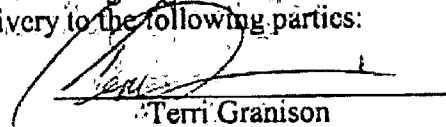
Date: 9/24/03

A handwritten signature in black ink, appearing to read "F. Thomas Rowland", written over a horizontal line.

F. Thomas Rowland

CERTIFICATE OF SERVICE

I, Terri Granison, of Kraskin, Lesse & Cosson, LLC, 2120 L Street, NW, Suite 520, Washington, DC 20037, do hereby certify that a copy of the foregoing "Petition for Waiver" was served on this 24th day of September 2003, via hand delivery to the following parties:


Terri Granison

William Maher, Chief
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Eric Einhorn, Chief
Telecommunications Access Policy
Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Cheryl Callahan, Assistant Chief
Telecommunications Access Policy Division
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW

Qualex International
445 12th Street, SW
Room CY-B402
Washington, DC 20554

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 L Street, N W , Suite 520
Washington, D C 20037

Telephone (202) 296-8890
Telecopier (202) 296-8893

December 8, 2003

Marlene H Dortch
Secretary
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re North Central Telephone Cooperative, Inc.
Supplement to the Petition for Waiver of Section 52.23(c)
of the Commission's Rules
Ex Parte Filing in CC Docket No 95-116

Dear Ms Dortch:

On September 24, 2003, North Central Telephone Cooperative, Inc (the "Company") filed a Petition for Waiver of Section 52.23(c) of the Commission's Rules, seeking an extension of the November 24, 2003 date for implementation of number portability within a portion of its local exchange service territory ("Petition") Subsequently, on November 10, 2003, the Commission released an order addressing wireline-wireless portability¹ The Company respectfully provides this supplement in order to modify its Petition to seek a more limited extension until May 10, 2004.²

¹ See *In the Matter of Telephone Number Portability, CTIA Petition for Declaratory Ruling on Wireline-Wireless Porting Issues Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, CC Docket No 95-116, FCC 03-284 (rel. Nov 10, 2003) ("*Intermodal LNP Order*")

² In its Petition, the Company initially sought a one-year extension following clarification of its obligations See Petition at n 4 and accompanying text Petitioner reiterates that in seeking an extension of time, it does not waive any of its legal rights with respect to the *Intermodal LNP Order*, including, without limitation, with respect to seeking relief from a court of competent jurisdiction with respect to the obligations imposed upon it by the *Intermodal LNP Order*

Marlene H Dortch, Secretary
December 8, 2003
Page Two

The Company is a rural telephone company and a 2% Carrier, as defined by the Act³ The Company serves 16,532 access lines in the State of Tennessee, of which only 4,654 are located in Sumner County which is within the Nashville Tennessee MSA The area served by the Company in Sumner County is extremely rural The largest town in this area has a population of approximately 3000 The Company's switch is *not* located in one of the largest 100 MSAs, the switch serving the relatively few customers within the Nashville MSA also serves customers of the company located outside of the MSA.

As noted in its Petition, the Company has received requests from Sprint PCS and Verizon Wireless to support intermodal portability Prior to the issuance of the Commission's November 10, 2003 Order, the Company responded to these requests and asked for affirmation that the ported number would be utilized in the same location⁴ The carriers requesting portability did not respond to this request Prior to the receipt of the requests for number portability from the wireless carriers, the Company had received no other requests for number portability, and, accordingly, had no basis for expending limited resources on the deployment of number portability. Given the totality of these circumstances, the Company filed the instant Petition based upon its understanding of the Commission's rules and regulations

The Company hereby supplements its Petition and reports that Verizon Wireless has subsequently transmitted correspondence seeking a porting date of May 24, 2004 See Attachment 1. The Company has also received correspondence from AT&T Wireless seeking porting by the same date See Attachment 2. After issuance of the *Intermodal LNP Order*, the Company reassessed its projected number portability deployment timetable and now believes that it will be able to complete deployment in the affected switches by May 10, 2004, six months after the issuance of the Commission's *Intermodal LNP Order* in which the Commission provided guidance of its intermodal porting requirements.⁵ In the total context of circumstances

³ 47 U.S.C. §§153(37) and 251(f)(2) The Company provides telephone exchange service, including exchange access, to fewer than 50,000 access lines and serves a study area of fewer than 100,000 access lines See 47 U.S.C. §§153(37)(B) and (C) As of December 2002, approximately 188 million local telephone lines were in service nationwide See "Federal Communications Commission Releases Study on Telephone Trends," FCC News Release (rel. Aug. 7, 2003) Accordingly, the Company's total access lines are far below the 2% threshold of 3.76 million access lines and the company qualifies as a "2% Carrier" See 47 U.S.C. §251(f)(2)

⁴ 47 U.S.C. § 153(30) (emphasis added)

⁵ The Company notes that its implementation schedule is dependent upon its switch vendor, and coordination and testing between it and the requesting wireless provider While the implementation of the necessary switch changes will technically enable the provision of number portability, the Company notes that technical compliance with the directives of the *Intermodal LNP Order* regarding the treatment of calls from the Company's network to a number ported to a wireless carrier is technically reliant on the existence of an interconnection arrangement with the wireless carrier

Marlene H Dortch, Secretary
December 8, 2003
Page Three

surrounding the implementation of intermodal number portability, the Company has acted and continues to act in good faith to comply with the Commission's requirements.

Accordingly, the Company reiterates its request for a limited waiver of the November 24, 2003 deadline and modifies its initial Petition to further limit the extension of the deadline to May 10, 2004. This limited extension will serve the public interest by ensuring efficient deployment of resources and orderly and effective deployment of LNP in that portion of the Company's service area that falls within the Nashville MSA. Please contact the undersigned with any questions.

Respectfully submitted,

North Central Telephone Cooperative, Inc

By.

Stephen G. Kraskin
Sylvia Lesse
John Kuykendall

Its Attorneys

Attachments

cc: William Maher
Eric Einhorn
Pam Shpakoff
Cheryl Callahan
Qualex International

KRASKIN, LESSE & COSSON, LLC
ATTORNEYS AT LAW
TELECOMMUNICATIONS MANAGEMENT CONSULTANTS

2120 I. Street, N W , Suite 520
Washington, D C 20037

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January 28, 2004

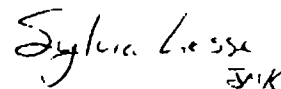
Linda Godfrey
Interconnection, Numbering and Mandates
Verizon Wireless
2785 Mitchell Drive
Walnut Creek, CA 94598

Dear Ms Godfrey:

We have been asked by our client, North Central Telephone Cooperative ("North Central") to respond to your correspondence seeking deployment of number portability in specific switch locations (the "Request") and completion of a "Service Level Agreement" ("SLA"). North Central is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where Verizon Wireless' coverage overlaps each of the rate centers owned and controlled by North Central as specified in the Request.¹ In this regard, please note that North Central has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines.²

We're reviewing the SLA and will respond shortly. Please refer any additional questions or correspondence concerning this matter to this office.

Very truly yours,


Sylvia Lesse

cc: Johnny McClanahan

¹ Pursuant to Section 52.23(b)(2)(iii) of the Commission's Rules (47 C.F.R. § 52.23(b)(2)(iii)), North Central notifies Verizon Wireless that the list of switches (and their respective CLLI designation) specified in the correspondence is correct. The switches currently do not support the ability to port numbers to another carrier.

² North Central is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.

Attachment to Response # 10
to TRA's Data Request dated
January 14, 2004
Docket No. 03-00633

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January 28, 2004

Jeff Adrian
Industry Compliance and Operational Network Support, Numbering Solutions
Sprint PCS
6580 Sprint Parkway
Mailstop: KSOPHW0516-5B360
Overland Park, Kansas 66210

Dear Mr. Adrian,

We have been asked by our client, North Central Telephone Cooperative ("North Central") to respond to your letter requesting the deployment of number portability in specific switch locations. North Central is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where Sprint PCS' coverage overlaps each of the rate centers owned and controlled by North Central as specified in the Sprint PCS request. In this regard, please note that North Central has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines.¹

North Central requests that Sprint PCS consider and propose the specific methodology by which the parties will physically exchange ported traffic. It is our understanding that no such arrangements exist today. We look forward to engaging in additional discussions leading to the establishment of an agreement regarding the terms and conditions under which the parties will engage in porting.

Very truly yours,


Sylvia Lesse JAL

cc: Johnny McClanahan

Attachment to Response # 10
to TRA's Data Request dated
January 14, 2004
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¹ North Central is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.

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January 28, 2004

Susan Riley
Sr. Interconnection Manager
Supply Chain Management
Cingular Wireless
5565 Glenridge Connector, Suite 1520
Atlanta, Georgia 30342

Dear Ms. Riley,

We have been asked by our client, North Central Telephone Cooperative ("North Central") to respond to your letter requesting the deployment of number portability in specific switch locations. North Central is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where Cingular Wireless' coverage overlaps each of the rate centers owned and controlled by North Central as specified in the Cingular Wireless request.¹ In this regard, please note that North Central has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines.²

North Central is aware that the coverage area of Cingular Wireless is not coextensive with its telephone service areas (see Attachment, copy of Cingular Wireless' coverage area depicted on Cingular Wireless' web page and copy of North Central's service area) and, in fact, is extremely limited. Inasmuch as the FCC has specified that the obligation of a local exchange carrier's obligation to port to a wireless carrier is defined as the area "where the requesting wireless carrier's 'coverage area' overlaps the geographic location of the rate center in which the customer's wireline number is provisioned,"³ North Central requests specific identification of those areas where Cingular Wireless believes that coverage areas overlap. To the extent that Cingular Wireless plans service extension, North Central is, of course, prepared to entertain future, additional requests for portability deployment.

¹ Pursuant to Section 52.23(b)(2)(iii) of the Commission's Rules (47 C.F.R. § 52.23(b)(2)(iii)), North Central notifies Cingular that the list of switches (and their respective CLI designation) specified in the correspondence is correct. The switches currently do not support the ability to port numbers to another carrier.

² North Central is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.

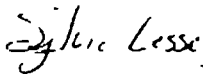
³ *In the Matter of Telephone Number Portability, CTIA Petition for Declaratory Ruling on Wireline Wireless Porting Issues, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, FCC 03-284, para. 22 (rel. Nov. 10, 2003).

Ms. Riley
January 28, 2004
Page Two

In addition to specifying the geographic area in which porting will occur, North Central also requests that Cingular Wireless consider and propose the specific methodology by which the parties will physically exchange ported traffic. It is our understanding that no such arrangements exist today

We look forward to receipt of the requested responses and to engaging in additional discussions leading to the establishment of an agreement regarding the terms and conditions under which the parties will engage in porting.

Very truly yours,


Sylvia Lesse *JRL*

cc: Johnny McClanahan

Attachment

© 2004 Cingular

PLEASE WINDOW

Cingular Home Plans with depicted calling area require a GSM handset.

Cingular Tennessee Home Calling Area

- Anytime Minutes apply
- Night and Weekend Minutes apply.
- Mobile to Mobile Minutes apply
- Outside the Tennessee Home Calling Area, roaming rates are 79¢ per minute, which includes long distance (call delivery charge of 20¢ per minute may apply).

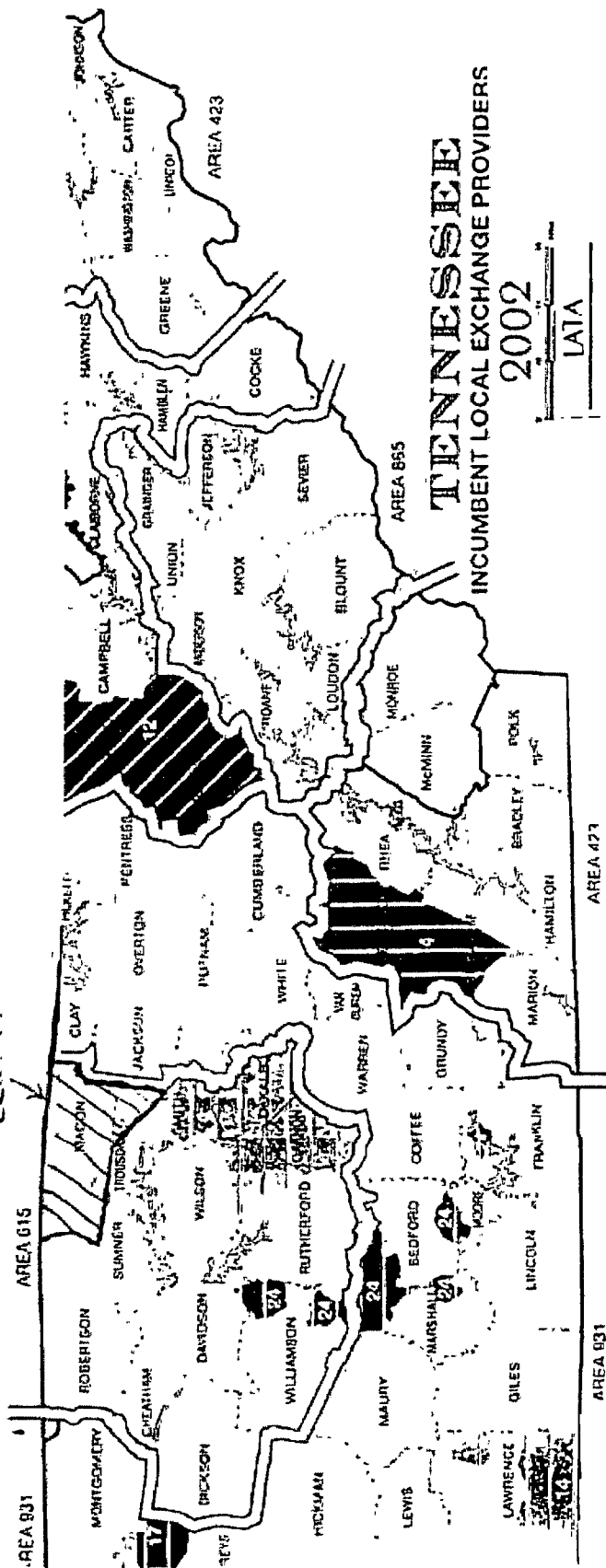
No Service Area



Map depicts an approximation of outdoor coverage. Map may include areas served by unaffiliated carriers, and may depict their licensed area rather than an approximation of the coverage there. Actual coverage area may differ substantially from map graphics, and coverage may be affected by such things as terrain, weather, foliage, buildings and other construction, signal strength, customer equipment and other factors. Cingular does not guarantee coverage. Charges will be based on the location of the site receiving and transmitting the call, not the location of the subscriber. Future Coverage, if depicted above, is based on current planning assumptions, but is subject to change and may not be relied upon.

1/04

North
Central



TENNESSEE

INCUMBENT LOCAL EXCHANGE PROVIDERS

2002

LATA

AREA 931

- Crockett Telephone Company Inc (C)
- DTC Communications
- Highland Telephone Cooperative, Inc
- Humphreys County Telephone Company (B)
- Lincoln Telephone Company, Inc
- Millington Telephone Company, Inc
- North Central Telephone Cooperative Corporation
- People's Telephone Company Inc (C)
- Scott County Telephone Cooperative, Inc

- Skyline Telephone Cooperative Inc
- Sprint
- Tellico Telephone Company Inc (B)
- Tennessee Telephone Company (B)
- Twin Lakes Telephone Cooperative Corporation
- United Telephone Company
- West Kentucky Rural Telephone Cooperative Corporation Inc
- West Tennessee Telephone Company Inc (C)
- Yorkville Telephone Cooperative, Inc

- Chattanooga
- Knoxville
- Memphis
- Nashville
- Sprint
- Other



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615-259-2945
615-259-1033
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Information

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January 28, 2004

Suzy Nieman
Manager, Carrier Relations
AT&T Wireless
7277 164th Ave. NE
Redmond, Washington 98052

Dear Ms Nieman.

We have been asked by our client, North Central Telephone Cooperative ("North Central") to respond to your letter requesting the deployment of number portability in specific switch locations.¹ North Central is fully aware of its obligations pursuant to applicable rules and regulations of the Federal Communications Commission ("FCC") to port numbers in those areas where AT&T Wireless' coverage overlaps each of the rate centers owned and controlled by North Central as specified in the AT&T Wireless request. In this regard, please note that North Central has not waived any of its rights with respect to applicable statute and regulation, including, but not limited to the right to seek suspension of number portability obligations and waiver of implementation deadlines.²

North Central is aware that the coverage area of AT&T Wireless is not coextensive with its telephone service areas³ and, in fact, is extremely limited. Inasmuch as the FCC has specified that the obligation of a local exchange carrier's obligation to port to a wireless carrier is defined as the area "where the requesting wireless carrier's 'coverage area' overlaps the geographic location of the rate center in which the customer's wireline number is provisioned,"⁴ North Central requests specific identification of those areas where AT&T Wireless believes that coverage areas overlap. To the extent that AT&T Wireless plans service extension, North Central is, of course, prepared to entertain future, additional requests for portability deployment.

¹ While your letter indicates an attachment of a form that you request North Century to complete, no such form was attached. Please transmit the form at your convenience to Johnny McClanahan at North Central and to me at the address provided above. We will review the form and respond as appropriate.

² North Central is seeking suspension of number portability obligations from the Tennessee Regulatory Authority.

³ A search performed on AT&T's web page using zip codes to identify service areas reveals that for several of the communities served by North Central, Lafayette (37083), Westmoreland (37186), Bethpage (37022) and Pleasant Shade (37145), "AT&T Wireless services does not provide coverage" in these areas. See Attachment, copy of North Central's service area and copy of AT&T Wireless web page search results.

⁴ *In the Matter of Telephone Number Portability, CTIA Petition for Declaratory Ruling on Wireline-Wireless Porting Issues, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, CC Docket No. 95-116, FCC 03-284, para. 22 (rel. Nov. 10, 2003).

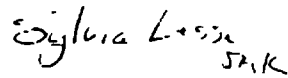
Attachment to Response # 10
to TRA's Data Request dated
January 14, 2004
Docket No. 03-00633

Ms. Suzy Nieman
January 28, 2004
Page 2

In addition to specifying the geographic area in which porting will occur, North Central also requests that AT&T Wireless consider and propose the specific methodology by which the parties will physically exchange ported traffic. It is our understanding that no such arrangements exist today.

We look forward to receipt of the requested responses

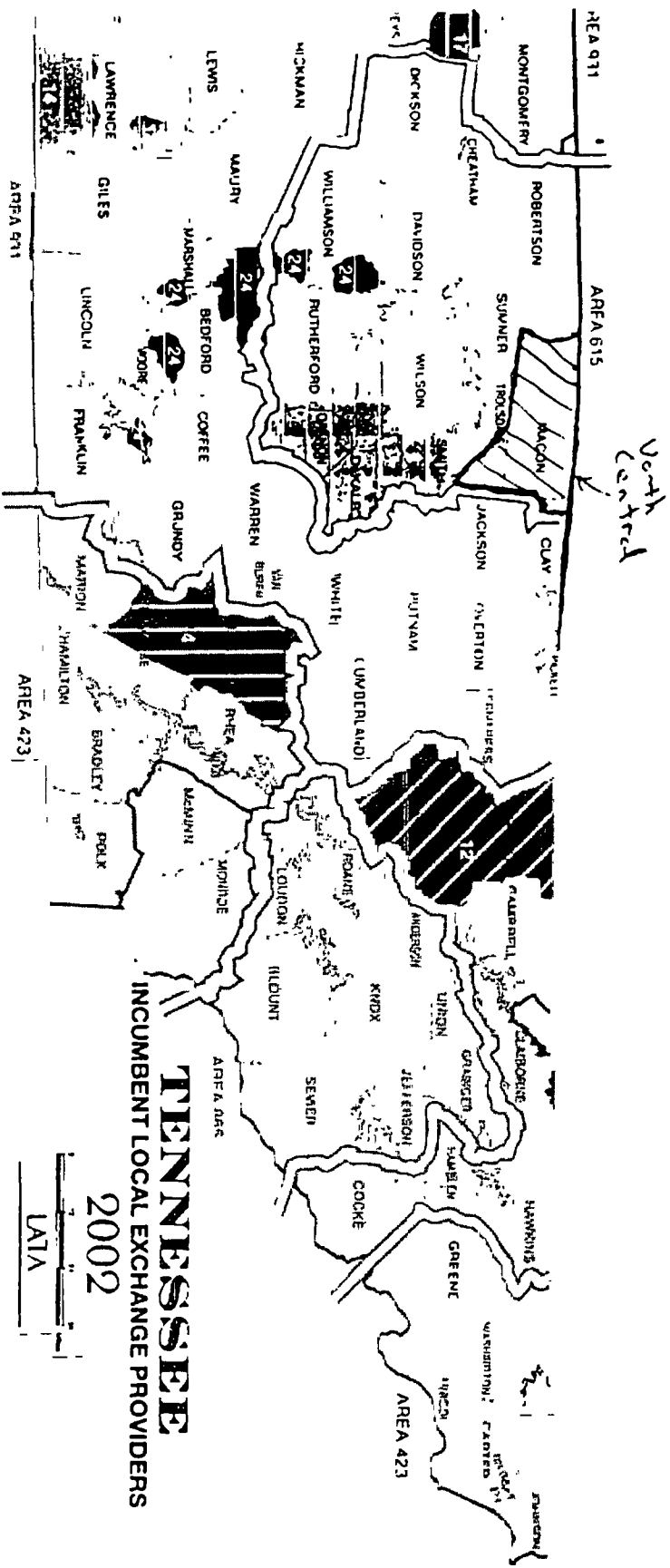
Very truly yours,

A handwritten signature in cursive script that reads "Sylvia Lesse". To the right of the signature, the letters "SLK" are written in a smaller, more legible font.

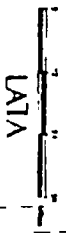
Sylvia Lesse

cc: | Johnny McClanahan

Attachment



TENNESSEE INCUMBENT LOCAL EXCHANGE PROVIDERS 2002



Crockett Telephone Company, Inc. (C)
 DTC Communications,
 Highland Telephone Cooperative, Inc.
 Humphreys County Telephone Company (B)
 Loretto Telephone Company, Inc.
 Millington Telephone Cooperative Corporation
 North Central Telephone Cooperative, Inc. (C)
 People's Telephone Company, Inc. (C)
 Scott County Telephone Cooperative, Inc.

Skyline Telephone Cooperative, Inc.
 Sprint
 Tellico Telephone Company, Inc. (B)
 Tennessee Telephone Company (H)
 Twin Lakes Telephone Cooperative Corporation
 United Telephone Company
 West Kentucky Rural Telephone Cooperative Corporation, Inc.
 West Tennessee Telephone Company, Inc. (C)
 Yorkville Telephone Cooperative, Inc.

Chattanooga
 Knoxville
 Memphis
 Nashville
 Sprint
 Other



725 CAPITOL AVENUE, SUITE 210
 MEMPHIS, TN 38103
 901-526-4000
 901-526-4001 (Fax)
 www.tia-tn.org
 Created by: Telcel (Telefonos Americanos) Inc.
 (Memphis, Tennessee)



our biggest store

AT&T Wireless services does not provide coverage in your area. We are aggressively expanding into new areas throughout the country, so please be sure to check back in the future. Please check your zip code for accuracy and re-enter, if necessary.

new shoppers

Please enter the zip code of the area where you plan to use your phone the most.

ZIP code

How many new lines are you shopping for today?

- ☒ 1 phone line
- ☐ 2 or more phone lines

☐ I want to bring my number to AT&T Wireless.
If yes, visit [Set your account info](#) at the bottom.



existing AT&T Wireless customers

To add a new phone line or share minutes on your existing account, select one of the options below.

- ☒ Add new phone lines
- ☐ Share my existing minutes

To add AT&T Wireless number:

Billing ZIP code:

☐ I want to bring numbers to my AT&T Wireless account.
If yes, visit [Set your account info](#) at the bottom.

[Want to upgrade your service plan?](#)

1 Out of the wireless service agreement costs